

# UTTARAKHAND JUDICIAL AND LEGAL ACADEMY

## LANDMARK & IMPORTANT JUDGMENTS ON “LAW OF INJUNCTION”

### INDEX

S. NO.	TITLE AND CITATION	LAW POINT
PRINCIPLES FOR GRANTING OF INJUNCTION		
1.	<i>Executive Committee of Vaishya Degree College, Shamli</i> Vs. <i>Lakshmi Narain</i> (1976) 2 SCC 58	The granting of relief of injunction is discretionary. The relief of injunction cannot be granted or obtained as of right. (Para- 27)
2.	<i>Municipal Corpn. of Delhi</i> Vs. <i>Suresh Chandra Jaipuria</i> (1976) 4 SCC 719	An injunction, which is a discretionary equitable relief, cannot be granted when an equally efficacious relief is obtainable in any other usual mode or proceeding except in cases of breach of trust. (Para- 10)
3.	<i>Cotton Corporation of India</i> Vs. <i>United Industrial Bank</i> (1983) 4 SCC 625	At any rate the court is precluded by a statutory provision from granting an injunction restraining a person from instituting or prosecuting a proceeding in a Court of coordinate jurisdiction or superior jurisdiction. (Para-9)
4.	<i>Premji Ratansey Shah</i> Vs <i>Union of India</i> (1994) 5 SCC 547	It is equally settled law that injunction would not be issued against true owner. (Para-5)
5.	<i>BALCO Employees Union Vs.</i> <i>Union of India,</i> (2002) 2 SCC 333	No ex-parte relief by way of injunction or stay especially with respect to public projects, public schemes or economic policies or schemes of Govt. should be granted unless there is likelihood of irreparable damage. (Para-99)

6.	<i>Maruti Udyog, Ltd.</i> Vs. <i>Maruti Udyog Employees Union</i> 2002 SCC OnLine Del 467	Injunction against trade unions. A distance of 100 metres and above depending upon the topography of the premises. (Para-10)
7.	<i>Seema Arshad Zaheer &amp; Ors</i> Vs. <i>Municipal Corporation Of Greater Mumbai &amp; Ors.</i> (2006) 5 SCC 282	<b>Demolition of building matter:</b> Being an equitable relief, the discretion for granting relief of Injunction would be exercised only when the conduct of the plaintiff is free from all blame and he approaches the Court with clean hands. (Para-31 )
8.	<i>Anathula Sudhakar</i> Vs. <i>P. Buchi Reddy &amp; Ors.</i> (2008) 4 SCC 59	The Hon'ble Supreme Court has summarized the principles for filing a suit for injunction simpliciter, clarifying when a suit for injunction can be filed without a separate suit for declaration of title or possession. (Para- 17 )
9.	<i>R. Hanumaiah</i> Vs. <i>State of Karnataka</i> (2010) 5 SCC 203	No injunction against Government in casual manner. (Para 20)
10.	<i>AC Muthaiah</i> Vs <i>Board of Control of Cricket in India and another</i> (2011) 6 SCC 617	An injunction claimed should be refused when the plaintiff has no personal interest in the matter. (Para- 33,34)
11.	<i>Maria Margarida Sequeira Fernandes</i> Vs. <i>Erasmio Jack de Sequeira,</i> (2012) 5 SCC 370	Injunction granting possession- grant or refusal- Principles- due process of law (Para- 62 to 67, 92,97)
12.	<i>Margaret Almeida</i> Vs. <i>Bombay Catholic Co-operative Society Limited</i> (2013) 6 SCC 538	Where interim relief in the form of interim injunction under Order 39, rule 1 & 2 CPC is likely to affect large number of persons but the suit was not filed in <b>representative capacity</b> , it has been held that there was need for plaintiffs to at least constitute simple majority of affected persons. (Para- 36,37)
13.	<i>Zarif Ahamad (D) Thr. Lrs and another</i> Vs. <i>Mohd. Farooq</i> AIR 2015 SC 1236	Standard of proof of possession in injunction suits. (Para- 9,10,13)

14.	<i>T. Ramalingeswara Rao</i> Vs. <i>N. Madhava Rao</i> (2019) 4 SCC 608	Even assuming that the plaintiffs claimed to be in possession of the suit property for claiming injunction, yet they were not entitled to claim injunction against the other co-sharers over the suit property. It is a settled principle of law that the possession of one co-sharer is possession of all co-sharers. (Para-16)
15.	<i>TV Ramakrishna Reddy</i> Vs. <i>M. Mallappa</i> (2021) 13 SCC 135	Where the plaintiff's title is not in dispute or under a cloud, a suit for injunction could be decided with reference to the finding on possession. (Para-15 )
16.	<i>M. S. Ananthamurthy &amp; Anr.</i> Vs. <i>J. Manjula Etc.</i> 2025 INSC 273	Where a finding on title is necessary for granting an injunction and has been substantially dealt with by the Trial Court in a suit for injunction, a direct and specific prayer for a declaration of title is not a necessity. (Para- 58 )
17.	<i>Krushna Chandra Behera Vs. Narayan Nayak &amp; Ors.</i> Civil Appeal No. 159/2025 @ SLP (Civil) No. 686/2025 order dated- 06.01.2025	If the defendants do not dispute the title of the plaintiffs then the suit should not fail only on the ground that the matter has been filed only for injunction simpliciter. (Para-18 )
18.	<i>Ansal Engineering Projects Ltd.</i> Vs. <i>Tehri Hydro Development Corpn. Ltd.</i> (1996) 5 SCC 450	<b>Bank Guarantee Matter :</b> The court exercising its power cannot interfere with enforcement of bank guarantee/letters of credit except only in cases where fraud or special equity is prima facie made out in the case as triable issue by strong evidence so as to prevent irretrievable injustice to the parties. (Para-5)
19.	<i>Neon Laboratories Ltd. Vs. Medical Technologies Ltd.</i> (2016) 2 SCC 672	<b>Trademark Matter :</b> In exceptional cases injunction may be given. (Para- 5,12)
20.	<i>Crocs Inc USA</i> Vs. <i>Bata India Ltd.</i> 2019 SCC OnLine Del 6808	<b>Copyright &amp; Design Matter :</b> This case highlights the importance of balancing intellectual property rights with the interests of small businesses. (Para- 44,45)
21.	<i>Wander Ltd. And Anr.</i> Vs. <i>Antox India P. Ltd.</i> 1990 Supp SCC 727	<b>Trademark &amp; Copyright Matter :</b> The Hon'ble Apex Court provided the principles that govern temporary or interim injunctions. ➤ Balancing Competing Interests ➤ Preserve the Status Quo ➤ Defendant's Conduct (Para- 9)

22.	<i>Bloomberg Television Production Services India Pvt. Ltd. Vs. Zee Entertainment Enterprises Limited 2024 SCC Online Del 1796</i>	<b>Media and Journalism Matter:</b> ➤ Defamation Suit relating with concerning with media platforms and journalists. ➤ Application of “ <i>The Bonnard Standard</i> ”. (Para- 4,5,6,9,10,11)
23.	<i>Ranganathan Chettiar Vs. Periakaruppan Chettiar 1957 SCC OnLine SC 122</i>	<b>Injunction against a trustee:</b> A trusty making unauthorized changes in the case of a trust property affecting the very character of the institution will be restrained by means of an injunction. (Para- 17)
24.	<i>Gangadutt Vs. Karthik Chandra Das AIR 1961 SC 1067</i>	<b>Injunction against lessor:</b> Even a rightful owner cannot eject a tenant by force or except the procedure established by law. (Para- 4,5)
25.	<i>Parameswari Das Kanna Vs. Bhonath Parihar AIR 1981 Delhi 77</i>	<b>Injunction against lessee:</b> Even a rightful owner cannot eject a tenant by force or except the procedure established by law. (Para- 7,8)
26.	<i>Chhedi Lal and Anr. Vs. Chhotey Lal AIR 1951 Allahabad 199</i>	Guiding principles in case of <b>injunction against co-owner</b> . (Para- 4,5,6,9,10,11)
27.	<i>Jujhar Singh Vs. Giani Talok Singh 1985 SCC OnLine P&amp;H 754</i>	<b>A coparcener has no right to maintain a suit for permanent injunction restraining the manager or the karta from alienating the coparcenary property</b> and his right is only to challenge the same and to recover the property after it has come into being. (Para-6)
<b>EXECUTION OF DECREE OF INJUNCTION</b>		
28.	<i>Zahurul Islam Vs. Abul Kalam [1995 Supp (1) SCC 464]</i>	It was observed that decrees have to be executed, if necessary with the police help. (Para-14)
29.	<i>Jai Dayal &amp; Others Vs. Krishna Lal Garg &amp; Anr. (1996) 11 SCC 588</i>	Non-compliance is a continuing disobedience entailing penal consequences. A separate fresh suit is barred under Section 49 of the CPC. (Para-6,7,8)

30.	<i>Rahul S. Shah</i> Vs. <i>Jinendra Kumar Gandhi</i> (2021) 6 SCC 418	Directions issued to all courts dealing with the execution proceedings. (Para-42)
31.	<i>Bhudev Mallick</i> Vs. <i>Ranajit Ghoshal</i> 2025 SCC OnLine SC 360	Burden of Proof in Execution petitions of Injunction Decree. (Para- 50)
32.	<i>Periyammal</i> Vs. <i>V. Rajamani</i> 2025 SCC OnLine SC 507	Directions to ensure pending execution petitions to be decided within six months without fail. (Para- 42 to 54, 74,75)

### INTERIM OR TEMPORARY INJUNCTION

33.	<i>Manohar Lal Chopra</i> Vs. <i>Rai Bahadur Rao Raja Seth Hiralal</i> AIR 1962 SC 527	In the exercise of its inherent jurisdiction u/s 151 CPC, the civil court has the power to grant interim injunction, even if the case does not fall within the ambit of provisions of Order 39 Code of Civil Procedure. (Para- 18,19)
34.	<i>Dorab Cawasji Warden</i> Vs. <i>Coomi Sorab Warden</i> (1990) 2 SCC 117	The relief of interlocutory mandatory injunctions are thus granted generally to preserve or restore the status quo of the last non-contested status. (Para 16, 17)
35.	<i>Dalpat Kumar</i> Vs. <i>Prahalad Singh</i> (1992) 1 SCC 719	Temporary injunctions are granted in order to preserve the disputed property until the legal rights could be determined. (Para-4,5)
36.	<i>Shiv Kumar Chadha</i> Vs. <i>Municipal Corporation of Delhi</i> (1993) 3 SCC 161	The purpose of granting an interim injunction is to maintain the status quo. The Court should be doubly cautious before granting an injunction (ex parte) without notice to the opposite party . (Para- 30,31)
37.	<i>Morgan Stanley Mutual Fund</i> Vs. <i>Kartick Das</i> (1994) 4 SCC 225	Ex-partee injunction could be granted only under exceptional circumstances. (Para- 36)
38.	<i>Gujrat Bottling Co. Ltd.</i> Vs. <i>Coca Cola Co.</i> (1995) 5 SCC 545	There are three primary factors which the Court considers when determining whether to issue an interim injunction: 1. Prima facie case 2. Balance of convenience 3. Irreparable injury (Para- 43)

39.	<i>Agriculture Produce Market Committee</i> Vs. <i>Girdharbhai Ramjibhai Chhaniyara,</i> (1997) 5 SCC 468	Temporary injunctions can only be granted if the applicant has a concluded right that is capable of being enforced by way of injunction. (Para-6,7 )
40.	<i>Colgate Palmolive (India) Ltd.</i> Vs. <i>Hindustan Lever Ltd .</i> (1999) 7 SCC 1	The Hon'ble Court listed specific considerations for granting interlocutory injunctions. (Para- 24)
41.	<i>Anand Prasad Agarwal</i> Vs. <i>Tarkeshwar Prasad</i> (2001) 5 SCC 568	It may not be appropriate for any court to hold a mini-trial at the stage of grant of temporary injunction. (Para-6 )
42.	<i>Bharat Sanchar Nigam Ltd.</i> Vs. <i>Prem Chand Premi,</i> (2005) 13 SCC 505	Passing of final order on issue concerned at interlocutory stage, is impermissible. (Para-2)
43.	<i>Best Sellers Retail India (P) Ltd.</i> Vs. <i>Aditya Nirla Nuvo Ltd.</i> (2012) 6 SCC 792	Prima Facie case alone is not sufficient to grant a temporary injunction and can't be awarded if the damage is not irreparable if the injunction is not given. (Para-29 )
44.	<i>Margaret Almeida</i> Vs. <i>Bombay Catholic Co-operative Society Limited,</i> (2013) 6 SCC 538	Where interim relief in the form of interim injunction under Order 39, rule 1 & 2 CPC is likely to affect large number of persons but the suit was not filed in representative capacity, it has been held by the Supreme Court that there was need for plaintiffs to at least constitute simple majority of affected persons. (Para-36,37,38,39)
45.	<i>Meena Chaudhary</i> Vs. <i>Commissioner of Delhi Police,</i> (2015) 2 SCC 156	The scope of an interim application cannot be greater in scope than the main case. (Para- 3)
46.	<i>IEEE Mumbai Section Welfare Association</i> Vs. <i>Global Ieee Institute For Engineers</i> Civil Appeal NO(S).7235/2025 @ SLP (CIVIL) NO(S).14208 OF 2025 (27.05.2025)	Once the plaint has been rejected by the trial court, until it is revived/restored, an order of temporary injunction cannot operate against the defendant in the suit. In other words, it is necessary that there ought to be a subsisting plaint in order to seek an order of temporary injunction. (Para-5)

47.	<i>Acme Tele Power Ltd.</i> Vs. <i>Sintex Industries Ltd.</i> <i>AIR 2008 Uttrakhand 49</i>	Concealment of material fact, prima facie disentitle the plaintiff to temporary injunction. (Para-7)
<b>BREACH OR DISOBEDIENCE OF INTERIM OR TEMPORARY INJUNCTION ORDER</b>		
48.	<i>Surjit Singh</i> Vs. <i>Harbans Singh</i> <i>(1995) 6 SCC 50</i>	When the Court intends a particular state of affairs to exist while it is in seisin of a lis, that state of affairs is not only required to be maintained, but it is presumed to exist till the court orders otherwise. (Para-4)
49.	<i>Tayabbhai M. Bagasarwalla</i> Vs. <i>Hind Rubber Industries (P) Ltd.</i> <i>(1997) 3 SCC 443</i>	<b>Question of jurisdiction :</b> A mere objection to jurisdiction does not instantly disable the court from passing any interim orders. It can yet pass appropriate orders. While in force, these orders have to be obeyed and their violation can be punished even after the question of jurisdiction is decided against the plaintiff <i>provided</i> the violation is committed before the decision of the Court on the question of jurisdiction. (Para-28)
50.	<i>Food Corpn. of India</i> Vs. <i>Sukh Deo Prasad</i> <i>(2009) 5 SCC 665</i>	<b>The power under Order 39 Rule 2-A of the Code</b> should be exercised with great caution and responsibility. (Para- 38)
51.	<i>Kanwar Singh Saini</i> Vs. <i>High Court of Delhi</i> <i>(2012) 4 SCC 307</i>	<b>The proceedings under Order 39 Rule 2-A are available only during the pendency of the suit and not after conclusion of the trial of the suit.</b> Therefore, any undertaking given to the court during the pendency of the suit on the basis of which the suit itself has been disposed of becomes a part of the decree and breach of such undertaking is to be dealt with in execution proceedings under Order 21 Rule 32 CPC and not by means of contempt proceedings. (Para-20, 34)
52.	<i>Surya Vadanan v. State of T.N.,</i> <i>(2015) 5 SCC 450</i>	If as a general principle, the violation of an interim or an interlocutory order is not viewed seriously, it will have widespread deleterious effects on the authority of courts to implement their interim or interlocutory orders or compel their adherence. (Para-54)
53.	<i>U.C. Surendranath</i> Vs. <i>Mambally's Bakery</i> <i>(2019) 20 SCC 666</i>	For finding a person guilty under <b>Order 39 Rule 2-A CPC</b> there has to be not mere “disobedience” but it should be a “ <b>wilful disobedience</b> ”. (Para-7)



54.	<i>Vijay Kumar Pandey</i> Vs. <i>Union of India</i> 2008 SCC OnLine All 183	Unless the decree is set aside it is binding on the parties. (Para-4,5)
<b>POLICE AID FOR BREACH OF TEMPORARY INJUNCTION ORDER</b>		
55.	<i>Narayan Dutt Tiwari</i> Vs. <i>Rohit Shekhar</i> (2012) 12 SCC 554	Use of force and police for that purpose is unknown to civil jurisprudence. Such force, through the machinery of police is always used for execution of orders/decrees upon resistance by the judgment-debtor/persons against whom such orders are made. (Para-41)
56.	<i>Kailash Chander Sharma</i> Vs. <i>Nirmala Wati</i> (2001) 92 DLT 103	Use of police for the purpose of enforcing interim orders for restoring status quo ante was provided. (Para-7,8)
57.	<i>Hemant Vasant Jagtap</i> Vs. <i>Haji Abdul Malik Haji Yunusisa</i> 2023 SCC OnLine Bom 246	In appropriate cases where the Court is fully convinced about existence of grave emergency, such as apprehension of violence by the persons against whom the order has been passed, police protection can be provided for enforcement of an order of injunction under the provisions of section 151 of the CPC. (Para-16)
58.	<i>Nirabai J. Patil</i> Vs. <i>Narayan D. Patil</i> 2003 SCC OnLine Bom 972	The grant of police aid is an extreme step and therefore order for grant of police help or police assistance cannot be made unless the Court is fully convinced about the existence of grave emergency such as apprehension of violence by the persons against whom the order has been passed. (Para-8)
59.	<i>Karpagam and others</i> Vs. <i>P. Deivanaiammal and others</i> AIR 2003 Mad. 219	In appropriate cases ,the civil court has the power and is indeed under a duty, to issue suitable direction to police officials, as servants of law, to extend their aid and assistance in the execution of decrees and orders of civil courts or implementing an order of injunction passed by it. (Para-6,7 )
60.	<i>Kunhumammed</i> Vs. <i>Bava Haji</i> AIR 1999 Ker 383	Only a final order passed under R. 1 or R. 2 of Order XXXIX of The Code of Civil procedure can be enforced with the assistance of police .

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