
Law of Injunction

CONTENTS

PREFACE	iii
TABLE OF CASES	xxiii

CHAPTER 1

Introductory

1.1 Injunction - Definition and purpose	1
1.2 Nature of relief equitable	3
1.3 Scope of remedy	5
1.3.1 Rights in property	5
1.3.2 Contractual rights	6
1.3.3 Law of associations	7
1.3.4 Industrial property	7
1.3.5 Protection of reputation	7
1.3.6 Breach of trust	7
1.3.7 Judicial proceedings	7
1.4 Development of law in England	7
1.5 Declaratory relief and injunction	9
1.6 Injunction acts in personam and not in rem	15

CHAPTER 2

Kinds of Injunction

2.1 Introduction	16
2.2 Ad interim injunction and temporary injunction - Distinction	17
2.3 Prohibitory injunction.....	18
2.4 Interlocutory injunctions	19
2.4.1 Scope of Interlocutory injunctions.....	19
2.4.2 Interlocutory injunctions-« Development of law in England	24
2.5 Perpetual Injunction	25
2.5.1 Perpetual Injunction- Scope	25
2.5.2 Claim for permanent injunction not necessary	26
2.5.3 Perpetual injunctions-« Law in England	27
2.5.4 Development of law in England	34

2.6 Mareva injunction	40
2.7 Injunction distinguished from declaration	41
2.8 Injunctions and accounts	42
2.9 Injunction and other remedies	42
2.10 Historical Development of law in England	43
2.11 Injunction and damages	48

CHAPTER 3 **Ex-part^e Interim Injunction**

3.1 Introductory	51
3.2 Conditions precedent for order of ex parte injunction	57
3.3 Exercise of power by the court	58
3.4 Ex parte injunction passed against caveators without information	60
3.5 Reasons must be recorded	62
3.6 Period of ex parte injunction	66
3.7 Procedure	68
3.8 Appeal against ex parte injunction	69

CHAPTER 4 **Mandatory Injunction**

4.1 General	82
4.2 Development of law in England	85
4.3 Law in England	86
4.4 Jurisdiction of the court to grant	88
4.5 Factors to be considered to grant mandatory injunction	89
4.5.1 Abuse of legal process	89
4.5.2 Irreparable loss	90
4.5.3 Mandatory injunction to establish medical college	91
4.5.4 Trespass of property	92
4.5.5 Against licensee after expiry of licence	93
4.5.6 For grant of lease of public authority	95
4.5.7 No right after expiry of lease	96
4.5.8 Against lessees putting cabins on footpath	96
4.5.9 To transfer shares of company	100
4.5.10 Danger to easement	102
4.5.11 Encroachments	103
4.5.12 Demolition of construction	104
4.5.13 Against laying underground pipeline in neighbouring land	105
4.5.14 To restore properties in original form	106

4.5.15 Interim possession	107
4.5.16 Ejectment of trespasser	107
4.5.17 To put tenant back in possession.....	108
4.5.18 Exhibition of film	110
4.5.19 To co-owners	112
4.5.20 Construction of premises	114
4.5.21 Possessory title	114
4.6 Development of law in England	114
4.7 Interim mandatory injunction	120
4.8 Mandatory injunction on interlocutory application	131
4.9 Mandatory injunction on interlocutory application - Development of law in England	133
4.10 Encroachment on fundamental rights	135
4.11 Ex parte mandatory injunction	136
4.12 Mandatory injunction not to recover money	137
4.13 Damages and mandatory injunction	140
4.14 Burden to prove	140
4.15 Delay and laches	141
4.16 Revision against order	141

CHAPTER 5

Principles for Grant of Injunction

5.1 Exercise of discretion by the court	142
5.2 Discretion of the court- Development of law in England	150
5.3 Factors to be considered	151
5.4 Balance of convenience	192
5.5 Balance of convenience - Development of law in England	201
5.6 Irreparable loss or injury	206
5.7 Prevention of Irreparable Injury- Development of law in England	208
5.8 <i>Prima facie</i> case	211
5.9 Public Interest	217
5.10 Public Purpose	219
5.11 Convenience of general public	225
5.12 Injunction against public authorities	231
5.13 Violation of private rights-Grant of permission by public body	232
5.14 Injunction against Govt. agencies	233
5.15 Public Trust- Right to hold office	238
5.16 Various Factors	239
5.16.1 Approaching the court with unclean hands	239
5.16.2 Suppression of material facts	241