

Civil Procedure Rules: Order XXXIX — Temporary Injunctions

Civil Procedure Rules · Injunctions & Interim Relief

1. Purpose

Order XXXIX of the Code of Civil Procedure, 1908 empowers civil courts to grant temporary injunctions to preserve the subject matter of a suit pending final adjudication, preventing irreparable harm to a party.

2. Grounds for Grant (Rules 1 and 2)

- Property in dispute is in danger of being wasted, damaged or alienated by any party.
- The defendant threatens to remove or dispose of property with intent to defraud creditors.
- The defendant threatens to dispossess the plaintiff, or otherwise cause injury in relation to the property in dispute.
- Breach of contract or other injury of any kind (Rule 2).

3. The Three-Fold Test

Courts apply three settled tests before granting a temporary injunction:

- **Prima facie case** — the applicant must show a bona fide dispute to be tried.
- **Balance of convenience** — the inconvenience to the applicant if the injunction is refused must outweigh the inconvenience to the opposite party if it is granted.
- **Irreparable injury** — the injury complained of must be one that cannot be adequately compensated in damages.

4. Key Case Reference

Dalpat Kumar v. Prahlad Singh (1992) — the Supreme Court reaffirmed that all three conditions — prima facie case, balance of convenience, and irreparable injury — must be satisfied conjointly before granting an interim injunction.

5. Exam-Focused Summary

- State the three-fold test for grant of temporary injunction with one line on each limb.
- Explain the procedure for an ex parte ad-interim injunction under Rule 3.

