**SUIT FOR COMPENSATION FOR INJURY CAUSED BY AN INJUNCTION WRONGFULLY OBTAINED**

Nature of grievance:

**Suit for compensation for injury caused by an injunction wrongfully obtained:**

 Where a party to the proceedings before the Court of law, misleads the Court on any factual submission, and thereby obtains any interim injunction in the said proceedings – the aggrieved person may file a Suit for compensation for injury caused by an injunction wrongfully obtained, within three years from the date when the injunction ceases, under Article 90 of the Indian Limitation Act, 1963.

Reliefs prayed:

(As may be appropriate and applicable to the facts of one’s case)

a)     The Defendant be ordered and decreed to pay Rs.\_\_\_\_\_\_\_\_, as per particulars of claim, annexed to the Plaint at Exhibit “\_\_\_\_”;

b)     That the Defendant be further ordered and decreed to pay interest on the Suit amount, @12% from the date of filing of Suit, till date of judgment; and further interest @6% from the date of judgment till payment.

Interim and Ad-Interim Reliefs: Pending the hearing and final disposal of the Suit, the Hon’ble Court so as to prevent the ends of justice from being defeated, be pleased –

c)     The Hon’ble Court, in the dues exercise of their powers u/s 94 and O.38 of CPC, 1908, Issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance, and if he fails to comply with any order for security commit him to the civil prison (as may be applicable to the facts of the case);

d)     The Hon’ble Court, in the dues exercise of their powers u/s 94 and O.38 of CPC, 1908, Direct the defendant to furnish security to produce any property belonging to him and to place the same at the disposal of the Court or order the attachment of any property; (as may be applicable to the facts of the case)

e)     Interim/ad-interim reliefs in terms of prayer clauses \_\_\_\_ as aforesaid.

f)      Such further and other reliefs as this Hon’ble Court may deem fit and proper in the circumstances of the case as may be necessary.

Material facts of the case:

**The Plaintiffs, most respectfully submit that, having regard to the nature of reliefs prayed for in this Suit, the following facts become germane to the controversy herein;**

And, the reasonable satisfaction of the existence or the non existence, as the case may be, of these facts, may entitle the Plaintiffs the judgment in their favour. The chronology / chain of events, which has led to the present situation, and has constrained the Plaintiffs to seek certain Reliefs from this Hon’ble Court. [In the chronology / chain of events, the following facts should be set out in clear terms, at appropriate juncture.]

1.      The facts showing that an order of injunction [temporary or permanent] was operative against the Plaintiffs:

2.      The facts showing that the said order of injunction [temporary or permanent] was obtained by the Defendant by misleading the Court on any material aspect:

3.      The facts showing that due to said order of injunction[temporary or permanent], the Plaintiffs suffered injury, in monetary terms or otherwise:

In Money Claim Suits, to claim interim relief, “of arrest of the Defendant to cause him to furnish security for his appearance, pending the disposal of the Suit”, any one of the facts must be shown to have exist –

Facts and circumstances showing that, with intent to delay the plaintiffs, or to avoid any process of the Court or to obstruct or delay the execution of any decree which may be passed against him, the defendant, has absconded or left the local limits of the jurisdiction of the Court,

or

Facts and circumstances showing that, with intent to delay the plaintiffs, or to avoid any process of the Court or to obstruct or delay the execution of any decree which may be passed against him, the defendant is about to abscond or leave the local limits of the jurisdiction of the Court,

or

Facts and circumstances showing that, with intent to delay the plaintiffs, or to avoid any process of the Court or to obstruct or delay the execution of any decree which may be passed against him, the defendant has disposed of or removed from the local limits of the jurisdiction of the Court his property or any part thereof,

or

Facts and circumstances showing that, with intent to delay the plaintiffs, or to avoid any process of the Court or to obstruct or delay the execution of any decree which may be passed against him, the defendant is about to leave India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree which may be passed against the defendant in the suit.

In Money Claim Suits, to claim interim relief of “directing the Defendant to furnish security of certain sum of money, either by furnishing the bank guarantee or by depositing the said sum of money in the Court”, or to effect the conditional attachment of his immovable property, pending the disposal of the Suit”, any one of the facts must be shown to have existed.

Facts and circumstances showing that, with intent to obstruct or delay the execution of any decree which may be passed against him, the defendant is about to dispose of the whole or any part of his property;

or

Facts and circumstances showing that, with intent to obstruct or delay the execution of any decree which may be passed against him, the defendant is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Court;