



**RAMA
UNIVERSITY**

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FACULTY OF JURIDICAL SCIENCES

E- CONTENT

COURSE: LLB-Vth Sem

SUBJECT: EQUITY AND TRUST

SUBJECT CODE: LL.B. 502

NAME OF FACULTY: DR. ANKUR SRIVASTAVA

Lecture-27





LECTURE-27

Perpetual Injunction

Perpetual injunction is based on a final determination of the rights of the parties, and is intended permanently to prevent infringement of a right, and obviate the necessity of bringing an action after every such infringement.

It is equally appropriate in the application for *quia timet* injunction where the plaintiff shows a genuine and reasonable fear that a violation of his right is threatened and that damages would not be an adequate compensation for the imminent injury that would result from such infringement. Furthermore, a perpetual injunction is granted in order to prevent multiplicity of suits. The court *prima facie* would however not grant an injunction to restrain an

actionable wrong for which damages are the proper remedy.

By and large, it is a settled principle that the award of the injunction is discretionary and that the exercise of this discretion must be guided by established principles and practice having regard to the surrounding circumstances of each case.

In the process, various matters are taken into consideration. Such as –

- (i) Temporary Nature of the Infringement
- (ii) Minor Damage
- (iii) Limited Owner
- (iv) The Problem of Compliance
- (v) Undertaking

MCQs

1. Perpetual injunction is based on a final determination of the rights of the parties.

- i. True**
- ii. False**

- iii. Cannot say
 - iv. None of these
2. **Perpetual injunction is intended permanently to prevent infringement of a right, and obviate the necessity of bringing an action after every such infringement.**
- i. True
 - ii. False
 - iii. Cannot say
 - iv. None of these
3. **The court prima facie would however not grant an injunction to restrain an actionable wrong for which damages are the proper remedy.**
- i. True
 - ii. False
 - iii. Cannot say
 - iv. None of these
4. **A perpetual injunction is granted in order to prevent multiplicity of suits.**

- i. True
- ii. False
- iii. Cannot say
- iv. None of these

5. It is a settled principle that the award of the injunction is discretionary and that the exercise of this discretion must be guided by established principles and practice having regard to the surrounding circumstances of each case.

- i. True
- ii. False
- iii. Cannot say
- iv. None of these
