

Case Law

2015 CLC 493

The case law relates the matter of Cooperative Societies.

Title Case:

Feroze Ali Gaba **verses** Fishermen's Cooperative Society Limited.

Under order 39 Rule 1 & 2 CPC

The matter of injunction could not be granted where a party claiming the same had failed in establishing co-existence of three ingredients i.e. prima facie case: balance of inconvenience and irreparable loss/injury.

Prima Facie Case----Meaning----

“Prima facie case was existence of legal right which should appear to a prudent mind with a probability of success at the end of the day.”

Balance of inconvenience----Meaning----

“Balance of inconvenience was existence of circumstances through which plaintiff had to establish that his inconvenience would be greater than that of opposite party if injunction was not granted”

Irreparable loss/injury----Meaning----

“Irreparable loss/injury was such injury which could not be adequately compensated.”

As well as, A party can delete his name as a plaintiff in the plaint of the suit under Order 1 Rule 10 CPC.

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