

INJUNCTION

i) Civil Procedure Code, 1908 – Order 39 Rule 2 A – Contempt of Courts Act, 1971 – Section 2(b), 12 – Injunction – Violation – Civil Contempt – Sale Deeds executed by Contemnor, Director of company with approval of its Board of Directors – No transfer of title / right gets transferred so long as there is restrain order of court in operation – *Non est* and passed over no right in favour of any person – Nothing on record that society had been claiming itself to be shareholder / representative of company after receipt of injunction order in any fresh matter / proceedings which might be initiated by it after service of injunction order – Since there are penal consequences of violation of order of Court violation thereof has to be established beyond reasonable doubt, which is not done in this case so far as 3 defendant Nos. 1,7 and 8 are concerned – Merely on basis of general allegation of violation of injunction order by defendant Nos. 1,7 and 8, no action can be taken against them – Defendant Nos. 1 to 6 claim themselves to be Directors of company even after receipt of Injunction order, admitted that properties belonging to company sold vide sale deed – No force in defence by defendant Nos. 1 to 6 that they could represent themselves as Directors of company since in stay order word ‘Directors’ was not included – Defendants were restrained from claiming themselves as shareholders/representatives of company and there could be no question of defendants being under impression that they could claim themselves to be Directors of company since order of this Court did not specifically include word ‘Director’ - Question of any bona fide understanding of injunction order can not arise – This is totally sham defence and ingenuous effort to avoid rigors of order of this court – Conclusion of this court that defendant Nos. 2 to 6 have all committed willful and deliberate violation of order of this Court passed in suit and their impugned acts would amount to contempt of courts Act – When plaintiff say contemnors in total disobedience to order of this court, sold plots of land belonging to company by executing sale deeds by representing themselves as Directors / authorized representatives of company which they had been restrained from claiming, there is basic fallacy in this contention – When contemnors had been restrained by this Court from representing company they had been left with no right in affairs / properties of company which could be transferred to any third party during subsistence of injunction order – Further observations made and directions issued.

ii) Words and Phrases – ‘Representative’ – Meaning – Discussed.

Citation : Capital Land Builders (Pvt.) Ltd. & Ors. Vs .Shaheed Memorial Society & Ors.

C.S(OS) No. 1906 of I.A Nos. 4764/08, 3329/08, 10609/07 & 6938 / 07.