Chapter 32

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32.010 Injunction defined. An injunction is an order requiring a defendant in a suit to refrain from a particular act; it is only allowed as a provisional remedy, and when a decree is given enjoining a defendant, such decree shall be effectual and binding on such defendant without other proceeding or process.

32.020 Time when and by whom preliminary injunction allowed; undertaking. An injunction may be allowed by the court, or judge thereof, at any time after the commencement of the suit and before decree. Before allowing the injunction, the court or judge shall require of the plaintiff an undertaking, with one or more sureties, to the effect that he will pay all costs and disbursements that may be decreed to the defendant, and such damages, not exceeding an amount therein specified, as he may sustain by reason of the injunction if the same be wrongful or without sufficient cause.

32.030 Filing undertaking and affidavit; service and filing of order. The undertaking and affidavits, if any, upon which the injunction is allowed, shall be filed with the clerk. The order may be served as a summons and returned to the clerk, with the proof of service indorsed thereon, except that the service shall be made upon the defendant personally. The order may be filed with the clerk at once, and shall be deemed to be served upon the defendant from the date of its allowance, if it appears therefrom that the defendant appeared before the court or judge at the allowance thereof.

32.040 Grounds for preliminary injunction. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists of restraining the commission or continuance of some act, the commission or continuance of which during the litigation would produce injury to the plaintiff; or when it appears by affidavit that the defendant is doing, or threatens or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights concerning the subject of the suit, and tending to render the decree ineffectual; or when it appears by affidavit that the defendant threatens or is about to remove or dispose of his property, or any part thereof, with intent to delay or defraud his creditors, an injunction may be allowed to restrain such act, removal, or disposition.

32.050 Notice; order to show cause; temporary restraint. An injunction shall not be allowed after the defendant has answered, except upon notice, but in such case the defendant may be restrained until the decision of the court or judge allowing or refusing the injunction; and before answer, if the court or judge deems it proper that the defendant should be heard before allowing an injunction, an order may be made requiring the defendant to show cause, at a specified time and place, why the injunction should not be allowed; and in the meantime the defendant may be restrained.

32.060 Vacation or modification of preliminary injunction that was granted without notice. If the injunction is allowed without notice, the defendant may, at any time before trial, upon notice, apply to the court or judge thereof, to vacate or modify the injunction. The application may be made upon affidavits and the plaintiff may oppose the same by affidavits, or other evidence, in addition to those upon which the injunction was allowed. If, upon the hearing of the motion, it satisfactorily appears that the injunction should not have been allowed, either in whole or in part, it shall be vacated or modified accordingly.