

CHAPTER 32-05 PREVENTIVE RELIEF

32-05-01. When preventive relief given.

Preventive relief may be given in the cases specified in this chapter and in no other cases.

32-05-02. Preventive relief not given to enforce penal law.

Preventive relief cannot be granted to enforce a penal law, except in a case of nuisance, nor to enforce a penalty or forfeiture in any case.

32-05-03. How preventive relief given.

Preventive relief consists in prohibiting a party from doing that which ought not to be done. It is granted by injunction, temporary or final.

32-05-04. When final injunction granted.

Except when otherwise provided by this chapter, a final injunction may be granted to prevent the breach of an obligation existing in favor of the applicant:

1. When pecuniary compensation would not afford adequate relief;
2. When it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief;
3. When the restraint is necessary to prevent a multiplicity of judicial proceedings; or
4. When the obligation arises from a trust.

32-05-05. When injunction not granted.

An injunction cannot be granted:

1. To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded, unless such restraint is necessary to prevent a multiplicity of such proceedings.
2. To stay proceedings in a court of the United States.
3. To stay proceedings in any other state upon a judgment of a court of that state.
4. To prevent the execution of a public statute by officers of the law for the public benefit.
5. To prevent the breach of a contract, the performance of which could not be specifically enforced.
6. To prevent the exercise of a public or private office in a lawful manner by the person in possession.
7. To prevent a legislative act by a municipal corporation.