

MHRG140002702026



Order Below Exhibit 5

in

R.C.S. No. 29/2026

Hind Terminals Pvt Ltd through Afan Kapde ... Plaintiff

v.

Hiraji Barka Thakur and Ors

... Defendants

1. The plaintiff-company has filed present application for injunction against the defendants.

Brief facts of the plaintiff's case:

2. The plaintiff-company has filed this application stating that the defendants, without any concern have sent a letter stating that they will hold demonstrations in their company. To prevent irreparable loss and maintain smooth functioning of the CFS, the plaintiff seeks interim injunction restraining the defendants, villagers, and associates from holding any agitation, illegal demonstration, or gherao within 200 meters of the plaintiff's CFS gate and from obstructing the movement of cargo, vehicles, staff, and operations and further directions to the Police to provide assistance and protection for enforcing the injunction and maintaining law and order.

The case of defendants:

3. The defendants have submitted that they have fundamental right to

protest and hold demonstrations. They have several issues pertaining to villages and it is not just about jobs. The suit is not maintainable. Hence, the application may be rejected.

4. After careful consideration of the materials placed on record, following points arise for my determination, I record my finding for the reasons stated hereinafter:

Sr.No	Points for determination	Findings
1	Whether the Plaintiff has made out a prima-facie case ?	Yes
2	Whether the Plaintiff has proved that balance of convenience lies in their favour ?	Yes
3	Whether the Plaintiff proves that irreparable loss would be caused to them if the application is not allowed?	Yes
4	What Order ?	Application at Exhibit 05 is allowed.

5. Heard the Ld. Advocate for the defendants and plaintiff. Perused the documents placed on record.

Point no.1 to 3: All the points, being interconnected, are being dealt together.

Case and arguments of the plaintiff:

6. The present suit is filed seeking declaration, and injunction against the defendants. Their company is carrying operation of Container Freight Station (CFS) at Chirner, Uran. The CFS operations, constitute an essential service directly connected with port operations, customs clearance, import-export cargo movement and national logistics infrastructure. Defendants demanded recruitment of local villagers around 100 - 300 local villagers at the CFS. They have given notice on 24.02.2026, 02.03.2026 and 06.03.2026 that if 100-300 local villagers are not employed as a workmen/local labourers in the plaintiff company, they along with villagers will commit serious acts of violent demonstrations and gheraos stoppage of ingress and egress of vehicles, containers, moving cargo and staff, managers and permanent workmen on 10.03.2026. If this demonstration is not stopped, the plaintiff-company will suffer huge penalty for not completing the work in time, it will also affect their future business operation as well as reputation of the company.

7. The plaintiff has already lodged a police complaint. To prevent irreparable loss and maintain smooth functioning of the CFS, the plaintiff seeks interim injunction restraining the defendants, villagers, and associates from holding any agitation, illegal demonstration, or gherao within 200 meters of the plaintiff's CFS

gate and from obstructing the movement of cargo, vehicles, staff, and operations and further directions to the Police to provide assistance and protection for enforcing the injunction and maintaining law and order.

8. Ld. advocate for the plaintiff has relied on *Ram Singh v Ashoka Iron Foundary, Samalkha* where similar question had arose. The Hon'ble High court of Punjab and Haryana High court [1993 (1) CLR 362] has held that *9. Much emphasis has been laid by the petitioners to the effect that jurisdiction of the civil Court in the context of the present dispute is totally barred and for this, main emphasis is upon Section 18(i) of the Trade Unions Act, 1926 reference to which has already been made in the earlier part of the judgment. This precise point has been considered by both the courts in detail. Both the courts have relied upon the judgment of the Delhi High Court reported M/s Association of State Road Transport Undertakings v. The Association of State Road Transport Undertaking Employees Union (Regd.) 1985 LIC 1543 wherein it has been held that a suit for perpetual injunction restraining the workman from indulging in unfair labour practice is deemed as one of civil nature and so cognizable under section 9 of the Code of Civil Procedure. I also find this objection of the petitioners without any merit. As per averment in the plaint, dispute per se appears to be of civil nature and the court has rightly taken the cognizance of the same. Vide the impugned orders, the courts have merely restrained the defendants, on whose behalf the present petition has been filed, from holding any*

meetings, demonstration sitting on dharnas in and around, the premises of the plaintiffs and within a radius of 50 metres from the premises of the plaintiff and also from interfering or obstructing with the rights of the plaintiffs, its staff, visitors, clerks etc. and also from damaging the building and also restraining the defendants from preventing entry of other workers. Such a restrain order cannot be construed either as unjust on amounting to curtailing the just trade union activities of the defendants. With the above mentioned stipulation, the defendants are at liberty to carry on their legitimate trade union activities peacefully. The impugned orders are thus perfectly legal and just and do not suffer from any illegality. The revision-petition is wholly without merit and the same is dismissed. No costs.

9. Similarly, while reiterating the above ratio, he has further relied on *Kwality restaurant v. Jagdish and another*, Hon'ble Delhi High court [2004 (2) SCT 208 and *Gossini Fashion Limited v. Delhi Leather Karigar Sangathan*, Honble Delhi High court [CS (OS) 51 of 2008. Hence the Ld. Advocate for the plaintiff has argued that the application may be allowed.
10. Ld. Advocate for the plaintiff has further argued that they are not seeking injunction against demonstration. They seek a direction that they may carry out demonstrations outside 200 meters from the premises of the Plaintiff-company. Because the rights of workers who are employed with the company and their safety is equally important.

Say and arguments of the defendants:

11. The defendants have submitted and argued that they have a right to hold peaceful demonstrations. They had an equal efficacious remedy available in the form of application under section 144 of the CrPC (now BNSS). Further a simplicitor suit for injunction without declaration is not maintainable. Agitation is the constitutional right. Since the matter does not pertain to civil dispute, this court does not have jurisdiction.

12. The defendants have relied on *Mazdoor Kisan Shakti Sangathan v. The Union of India and others*, Hon'ble Supreme court [AIR 2018 Supreme court 3476] wherein it has been held that there is a fundamental right to hold protests and demonstrations. Hence it was incumbent upon the plaintiff-company to file petition in the Honble High court under the writ jurisdiction. Hence, the application may be rejected.

Reasoning:

13. To seek injunction, one must prima facie show that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or that the defendant/s threatens, or intends, to remove or dispose of his property with a view to defrauding his creditors, or that the defendant/s threatens to dispossess the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit.

14. It must be noted that all the fundamental rights guaranteed under the Constitution are subject to reasonable restrictions. Further, what is sought is not restriction on demonstrations but demonstration within certain meters of the company's premises. The Hon'ble Supreme court in *Majdoor Kisan Shakti Sangathan's* case has held that the demonstrations if conducted must be in a peaceful manner and restrictions can be imposed in the manner in which it is carried out.
15. It must be noted that the plaintiff has brought on record a notice of the defendants that they would hold gate close demonstrations on 10.03.2026. This fact is not denied by the defendants. However, the Ld. Advocate for the defendants has submitted that the said demonstration will be carried out on the agricultural land on the other side of the road, not even on the agricultural land on the side of the plaintiff-company. He has further submitted that there would not be any hindrance to the ingress and egress of movement of the containers or halting any process of the company.
16. Where the rights of the defendants to demonstrate needs to be preserved, the rights of the workers working in the company, their safety and their livelihood needs to be protected. Moreover, in view of the above judgement, I am of the view that the case deals with civil rights of the individual and hence, this court has the jurisdiction to try and entertain the suit.
17. The demonstrations are fundamental rights; however all the rights

are subjected to reasonable restrictions. Both the rights of the citizens to demonstrate peacefully and rights of the other citizens to not get affected needs to be balanced.

18. There is no space pointed out by the plaintiff-company which would be 200 meters away from the plaintiff-company where demonstration can be carried out.
19. No prejudices would be caused to the defendants or plaintiff if the defendants are directed to hold demonstrations on the other side of the road of the company, without causing any loss to the property of plaintiff-company, from causing disturbance to their movement of cargos. The police protection can be guaranteed if there is violation of any order.
20. Thus, prima facie case has been made out by the plaintiff. Considering the fact that if this relief is not granted, irreparable loss would be caused to the plaintiff and hence, balance of convenience also lies in favour of the plaintiff. However the right of the defendants to hold demonstrate needs to be preserved. Therefore, I answer **point no.1 to 3 in affirmative.**

Point No. 4

21. In view of the submission that the defendants have orally undertaken to hold demonstrations on the opposite side of the road of the company, without causing any loss or hindrance to the company in any form and considering the observation, facts and

circumstances, I proceed to pass the following order:

::ORDER::

1. The application vide Exhibit 05 is partly allowed.
2. The defendants are restrained from carrying out demonstration on the public roadside of company or in the premises of the plaintiff-company or on the road and from creating any obstruction to their movement of cargos or containers, visitors or causing any loss to the property of plaintiff-company or from causing any hindrance to the traffic movement on the road till further orders.
3. No order as to costs.

Place : Uran
Date : 09.03.2026

Sd/-
(Ms. G. K.R. Tandon)
2nd Joint Civil Judge Junior Division
Uran.