

## NY CLS CPLR, Art. 63

Current through 2025 released Chapters 1-207

***New York***

***Consolidated Laws Service*** >  
***Civil Practice Law And Rules (Arts. 1 — 100)*** >  
***Article 63 Injunction (§§ 6301 — 6330)***

### Article 63 Injunction

---

#### History

---

Add, L 1962, ch 308, eff Sept 1, 1963.

Annotations

#### Notes

---

##### **Advisory Committee Notes:**

CPA Art 46, 51, 52 and 53 and RCP 80 contained the former law on the provisional remedy of injunction.

Injunction, as a provisional remedy, is variously called—in the civil practice act and elsewhere—“injunction pendente lite,” “preliminary injunction” (e.g., CPA § 882), “temporary injunction” (e.g., id. § 876), “injunction order” (e.g., id. § 877) and “injunction” (e.g., id. § 884). The first of these terms is unnecessarily in Latin. The second has been adopted because the third is too easily confused with a temporary restraining order and the remaining terms are descriptive of both permanent injunctions and injunctions granted as provisional remedies. But cf. 10 Carmody-Wait, *Cyclopedia of New York Practice* 516–17 (1954).

The provisions of this article are designed to clarify terminology while retaining the former structure of permanent injunction, preliminary injunction and temporary restraining order. A preliminary injunction is a provisional remedy which may be granted in certain cases, including certain actions for injunctive relief (i.e., actions for a permanent injunction) and a temporary restraining order is in the nature of a stay until a hearing on the application for a preliminary injunction may be had.

CPA § 876, which abolished the writ of injunction and created the order for a temporary (i.e., preliminary) injunction and CPA § 881, which provided that an injunction might have been granted upon proof of sufficient grounds, have both been omitted as unnecessary. CPA §§ 876-a and 882-a, which governed injunctions in labor disputes, were specialized legislation which should not be in a general practice act. The provisions affected permanent injunctions as well as the provisional remedy of injunctions. Accordingly, those sections have been transferred as article 22-A (§§ 807 and 808) of the Labor Law without change.

The grounds for a preliminary injunction were stated in CPA §§ 877 and 878 and have been incorporated into § 6301. They are reiterated as facts which must be shown in rule 6312(a).

The New York injunction provisions, notably those of CPA § 882, are substantially similar to Federal rule 65, a similarity which has been preserved in this article.

See also introduction to article 60.

## **Research References & Practice Aids**

---

### **Cross References:**

This article referred to in § 7502.; CLS Energy § 12-110.; CLS Gen Bus §§ 349., 396-a., 396-k., 396-x.

Competency of inhabitants as justices or jurors; undertakings not required of village CPLR 4110-a.

Kinds of provisional remedies; when remedy available to defendant, CPLR § 6001.

Particular statutes authorizing an injunction, CLS Agr & M § 38.; Bank § 607.; Bus Corp §§ 1115., 1303.; Civ R § 51.; Co-op Corp Law §§ 3., 70., 74.; Gen Mun §§ 4., 51.; Mult Dwell § 306.; Nav § 83.

Injunction and temporary restraining order, CLS Men Hyg § 31.21.

Houses of prostitution: injunction and abatement, CLS Pub Health §§ 2320 et seq.

Judicial enforcement of rate-fixing orders of the commission, CLS Pub Ser § 112.

Action for sequestration, CLS Real P Tax § 992.

Penalties for violation of ordinances, CLS Sec Cl Cities § 42.

Restraining collection of gasoline tax, CLS Tax § 289-a.

Tax to be paid but once; foreign and interstate commerce; injunction, CLS Tax § 432.

Enforcement proceedings, CLS Trans § 132.

Violations of ordinances, CLS Town § 135.

Remedies, CLS Vill § 7-714.

### **Jurisprudences:**

67A NY Jur 2d Injunctions §§ 1., 4., 31., 42., 46., 47., 53., 135.

75 NY Jur 2d Liens § 61. .

New York Consolidated Laws Service

Copyright © 2025 All rights reserved.