

C.S.(I) No.850/2026

23.07.2026

The record is put up today on the strength of advance petition for admission. It is a suit for permanent injunction along with other consequential reliefs and the relevant documents have been duly filed. The learned counsel for the plaintiff is present. Seen the office note. Perused the plaint and documents. Heard on the point of admission. The plaint is in order. The suit is **admitted**. Issue summons in both ways to the defendants fixing the case to 15.09.2026 for S.R and P.A.

Sd/-

Senior Civil Judge 1st Court, Cuttack.

I.A No.1/2026

23.07.2026

This is an order arising out of a petition filed by the petitioner/plaintiff U/O-39 R-3 of CPC praying therein to pass ex-parte order of temporary injunction against the Opp.Parties/defendants restraining them, their Managing Director, Site in-charge, officers, employees, agents, contractors, labourers, representatives or any person from entering upon the schedule "A" property and from drawing, dragging, erecting, laying and from installing any overhead electric transmission over the schedule property and from changing the nature and character of the Schedule "A" property.

The petitioner has filed the certified copy of ROR bearing Khata No.476 and photograph of the suit land.

The specific contention of the petitioner is that the Opp.Parties under the guise of providing electrical infrastructure to their industrial establishment, have already erected transmissions poles over the adjoining lands and are making all preparations to draw 132 KV overhead electric

transmissions wires across the petitioner's private property without obtaining her consent, without initiating any acquisition proceedings, without payment of compensation and without any permission or authorization from the competent authority. The Opp.Parties have openly declared that they shall proceed with the proposed work irrespective of the objections raised by the petitioner.

In the above premises, I am of the considered view that the court should exercise great care, caution and circumspect while granting ex-parte injunction but since the grant of relief is in the backdrop of factual matrix and no straight jacket formula of universal application can be laid down. However, it is noteworthy to reflect here that the Hon'ble Apex Court in ***Morgan Stanley Mutual Fund Vs. Kartick Das*** reported in ***(1994 SCC (4) 225***, has observed that when the refusal to grant would lead to more hardship and serious mischief, the Court would weigh the comparative mischief by evaluating the pros and cons of grant and refusal to grant of the interim injunction before passing an order. It is further observed by the Hon'ble Apex Court that the ex-parte injunction should be for a limited period of time. Hence, the Court should also take steps to ensure that the interlocutory application under Order 39 Rule 1 & 2 of CPC, should be taken up before the period of grant of ex-parte injunction lapses by serving notice upon the Opp.Parties through the process of the Court, so that the matter can be dealt on merit after affording sufficient opportunity to the Opp.Parties to put forth their contention. Accordingly, the I.A filed U/O-39 R 3 of CPC is *allowed* against the Opp.Parties. The Opp.Parties are hereby restrained from from entering upon the schedule "A" property and from drawing, dragging, erecting, laying and from installing any

overhead electric transmission over the schedule property and from changing the nature and character of the Schedule “A” property, till appearance of the Opp.Parties subject to compliance of the requirement of Order-39, R-3(a) of the CPC during course of day. Issue notice to the Opp.Parties fixing the case to 10.08.2026 for S.R. & P.A.

Sd/-

Senior Civil Judge 1st Court, Cuttack.