

1 OS No-16/2026
ORDER ON IA NO-2 FILED UNDER
SECTION 151 OF CPC.

1.	Provision under which the application is filed	Section 151 of CPC
2.	Relief sought for	Extension of T.I. order.
3.	The date on which the application is filed	04-03-2026
4.	Number of the application	I.A.No-2
5.	The date on which the objections are filed by different opponents	Oral objections on 04-03-2026
6.	The date on which the orders were passed on the said application	28-04-2026.

The plaintiff has filed the present application for extension of ex-parte temporary injunction order granted against the defendant no-1 and 3.

2. The plaintiff has contended that the court has granted an ex-parte temporary injunction order against the defendant no-1 and 3 from alienating the suit properties till this date.

The said order is required to be extended to till next date of hearing or till further orders. On the said material grounds the plaintiff has prayed for allowing the present application.

3. The defendant no-3 orally objected to the present application. The defendant no-3 has contended that the plaintiff has not complied the order 39 rule 3[a] of CPC as per the said provision. The plaintiff has not sent the copy of plaint and copies of documents to the defendant no-3 as per the order 39 rule 3[a] of CPC. On the said material grounds the defendant no-3 has prayed for rejection of the present application.

4. Heard the arguments.

5. The learned advocate for the defendant no-3 has relied upon the decision of our Hon'ble High Court in WP No-5814/2023 in the case of Roopa V/s Rohini Sinduri dated 11-04-2023.

6. Perused the records. On perusal of the postal cover and copy of application produced by the defendant no-3 it appears that the plaintiff has only sent a copy of the application and copy of the affidavit to the defendant no-3. The plaintiff has not produced any materials to show sending of copy of the plaint and copies of the documents to the defendant no-3. As per order 39 rule 3 [a] of CPC the plaintiff is required to send a copy of application and affidavit and copy of plaint and copies of documents to the defendants. The said default will amount to non compliance of order 39 rule 3 [a] of CPC. The decision relied by the learned advocate for the defendant no-3 shows that the compliance of order 39 rule 3[a] is a mandatory requirement. Hence in view of non compliance of order 39 rule 3 [a] of CPC as per the provisions of the order 39 rule 3[a] to the defendant no-3 the question of extension of temporary injunction order against the defendant no-3 will not arise. Hence considering the records I am of the opinion that, the IA No-2 filed by the plaintiff is required to be allowed in part only as against the defendant no-1.

Hence, the I.A.No-2 filed by the plaintiff is hereby partly
allowed.

The temporary injunction order granted earlier in favour of the plaintiff is extended only against the defendant no-1 and not against the defendant no-3.

Senior Civil Judge and JMFC,

Afzalpur.