

ORDER BELOW EXH. 05 IN R.C.S NO.60/2026.

The present application is filed by the plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure. The plaintiff has prayed for an ex-parte ad-interim injunction against the defendants.

2. Perused the record. On perusal of the same, it appears that the plaintiff has filed the present suit for the declaration and perpetual injunction. By way of the present application, the plaintiff has prayed for an ex-parte ad-interim injunction to restrain defendants from obstructing to possession of the plaintiff over the suit property.

3. In order to grant an ex-parte ad-interim injunction, the plaintiff must show that the object of granting the injunction would be defeated by delay. Likewise, the plaintiff must demonstrate that irreparable loss or serious mischief would be caused to them if the injunction is not granted.

4. However, after considering the cause of action and materials on record, the plaintiff has failed to show sufficient reasons for immediate protection. In such circumstances, it is neither just nor proper to grant an ex-parte ad-interim injunction without affording an opportunity of hearing to the defendants.

5. Furthermore, in view of Chapter VII, Para 97 of the Civil Manual and the guidelines laid down by the Hon'ble Apex Court in *Rameshwari Devi and Others vs. Nirmala Devi and Others*, reported in 2011 (6) Mh.L.J. 116, it is necessary to ensure the earliest opportunity of being

heard to the absentee defendants before granting such relief. Every care must be taken to safeguard the interest of absentee defendants.

6. Therefore, considering the facts and circumstances of the case, it appears necessary to provide an opportunity to defendants to put forth their defence before granting any injunction.

ORDER

1. Issue show cause notice to defendants as to why temporary injunction should not be granted against them as prayed for by the plaintiff.
2. E.P. and S.B. allowed, if desired.

Date- 17.04.2026

(M.S.Patil)
2nd Jt. Civil Judge Junior Division,
Jaysingpur