

MHLA150005322026



ORDER ON BELOW EXH. 5.

01. The present suit is filed for declaration and perpetual injunction against the defendant, wherein the plaintiff has filed this application for temporary injunction. The learned Advocate for the plaintiff has argued and pressed for ex-parte ad-interim temporary injunction.

02. Heard Learned Advocate for plaintiff on ex-parte ad-interim temporary injunction. Perused the application and affidavit supported with application filed on record. Considering the facts, circumstances and record of the case, there is no *prima facie* material on record to show that, defendant disturbed possession. It appears that, rights of defendants involved in the suit property. *Prima-facie* at this stage, it does not seem there is an apprehension warranting to give any ex-parte relief against defendants.

03. Therefore, *prima-facie* at this stage, it does not seem that there is an extreme urgency which requires ex-parte relief against defendants. It is need less to mention that at this stage the Court cannot go into the merit of the case or give any decisive or conclusive findings. Hence, in this situation it is quite justifiable to give an opportunity to all defendants. In view of guidelines given in Para 97 Chapter VII of Civil Manual and guidelines passed by Hon'ble Supreme Court, it is necessary to ensure an earliest opportunity of being heard to absent defendants before granting ad-interim ex-parte injunction. Hence, I pass order.

ORDER

- 1] Issue show cause notice to defendants as to why ex-parte ad-interim temporary injunction shall not be granted in favour of plaintiff, as prayed for.
 - 2] E.P and S.B. is allowed, if plaintiff prayed for.
- Notice returnable on

Date: 19/05/2026
Place: Chakur

(Divya S. Karbhajan)
Jt. Civil Judge Jr. Division,
Chakur.