

ORDER BELOW EXHIBIT NO.5 IN RCS. NO.78/2026

This is an application filed by plaintiffs under Order 39 Rule 3 of Civil Procedure Code. Plaintiffs have prayed for ad interim ex-parte injunction against defendant No. 1 to 3 from restraining them from creating road in the suit property. Perused the application and record. Heard, Ld. Advocate for the plaintiffs. It is case of the plaintiffs that the suit property is owned and possessed by them. It is further contended that defendant No. 1 to 3 are illegal making road from the suit property.

2. Plaintiffs have prayed for ex-parte ad interim injunction. As per Order 39 Rule 3 of Civil Procedure Code before granting injunction notice needs to be issued to opposite party. This is a general rule before granting any interim relief. There is an exception to this general rule that where it appears that the object of granting injunction would be defeated by the delay then the Court may grant ex-parte ad interim injunction without issuing notice to opposite party. In the present case in hand, it appears that it is not exceptional case to grant ad interim injunction and before granting any relief it appears that opportunity should be given to defendant No. 1 to 3. Hence, issue show cause notice to defendant No. 1 to 3 as to why temporary injunction should not be granted against them returnable on 20/04/2026. S. B and E. P allowed if claimed.

Ghodegaon
Date :-15/04/2026

(Santosh L. Vaidya)
Jt. Civil Judge, J.D.,
Ghodegaon Dist. Pune.