

ORDER BELOW EXHIBIT NO. 23
PASSED ON 05/03/2018

By way of present application, non applicant nos. 1 to 4 have prayed to vacate the ad-interim injunction order passed against them on dt. 22/02/2018.

02. According to non applicants, plaintiffs have not complied with the provisions of order 39 rule 3 of the Civil Procedure Code. Therefore, ad interim order is liable to be vacated. The application is opposed on ground that, plaintiffs have sent all the copied on 23/02/2018 by registered post. Hence, applicants have duly complied with the mandatory provision. At the end they have prayed to reject the application.

03. I have gone through the application, say and record. Heard both the advocates. Admittedly, ex-parte ad-interim injunction was granted in favour of applicants. Hence, compliance of provision of order 39 rule 3 is mandatory. Record shows that, on 28/02/2018, applicant no.2 Raju Keshav Babar has filed affidavit and thereby submitted that, he has complied with the provision. He has filed postal receipts, which are of supporting nature to the submission of the applicant. Today, applicants have filed acknowledgements which show that, registers were delivered to non applicants on 24/02/2018. Hence, applicants have duly complied with the mandatory provision. I found no substance in the application, and pass the following order,

ORDER

The application is rejected.

Date: 05/03/2018
Pusad

(Anant H. Bajad)
6th Jt. C. J. Jr. Dn., Pusad