

C.S.(I) No.242/2026

17.03.2026

The record is put up today for admission. It is a suit for declaration, permanent injunction along with other consequential reliefs and the relevant documents have been duly filed. The learned counsel for the plaintiffs is present. Seen the office note. Perused the plaint and documents. Heard on the point of admission. The plaint is in order. Accordingly, the suit is **admitted**. Issue summons in both ways to the defendants fixing the case to 18.04.2026 for S.R & P.A.

Sd/-

Senior Civil Judge 1st Court, Cuttack.

I.A No. 1/2026

17.03.2026

This is an order arising out of a petition filed by the petitioners/plaintiffs U/O-39 R-3 of CPC praying therein to pass ex-parte order of temporary injunction against the Opp.Party/defendant No.1 restraining him from coming over the I.A. schedule land and from alienating the same in favour of any other interesting purchaser.

The petitioners have filed the certified copy of ROR bearing Khata No.223, certified copy of RSD No.686 dtd.30.04.1990, certified copy of E.C., certified copy of RSD no.663 dtd.15.04.2004, certified copy of RSD dtd.20.02.2015 and certified copy of ROR bearing Khata No.609/202.

The specific contention of the petitioners that the Opp.Party creating disturbance and threatening to alienate the I.A. schedule land and the Opp.Party forcibly trying to possess the said land by creating fraudulent practice behind the back of the petitioners.

The Opp.Party has not yet appeared in this case to answer the averment of the petitioners. Allowing injunction U/O-39 R-3 of CPC is an exception. Moreover, R-94 of G.R. & C.O. speaks

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that; “*The power u/O-39 R-3 of the CPC, to issue an ex-parte injunction should be exercised with the greatest care. The issue of an injunction on the application of one party and without previously giving to the person affected by it an opportunity of contesting the propriety of its issuing, is a deviation from ordinary course of justice, which is nothing but the existence of imminent danger to property if it be not granted, can justify. The Court should, if possible, always require notice, however short, to be given the opp.parties*”.

Hence, it appears that there exists no urgent situation, which can lead to an order of ex-parte injunction against the Opp.Party without giving an opportunity to him to object the averment which would cause grave injustice to the Opp.Party. Hence, the said I.A. preferred under Order 39 Rule 3 of CPC stands ***rejected***. The interim application U/O.39 Rule 1 and 2 of CPC could be heard on merit after the opposite party enter into the appearance and furnish show cause. Issue notice to the Opp.Party fixing the matter to 31.03.2026 for S.R. and P.A.

The learned counsel for the petitioners filed a petition praying to issue notice to the Opp.Party through the special messenger which is *allowed*. Hence, the petitioners to take steps accordingly.

Sd/-

Senior Civil Judge 1st Court, Cuttack.