

P.S. No. 46 of 2022

Order No.02

Dated: 02.06.2022

Record is put up and moved by the plaintiff. The Ld. lawyer appearing for the plaintiff has moved a petition under Order 39 Rule 1(a,b,c) read with Section 151 of the CPC praying for temporary injunction **against the defendant Nos.1-3** along with a prayer for issuance of ad interim rule to the effect. ***As per the noting of the Shresthadar, there is no caveat on this record. There is no impediment in taking up such matter.***

The Ld. Lawyer appearing for the plaintiff has prayed for an ad-interim order of an injunction since as per him the matter is very urgent.

Heard submission of the Ld. Lawyer appearing for the plaintiff. Perused the plaint, injunction petition and other materials on record including the documents filed . Considered.

Hearing the submission of Ld. Lawyer and on perusal of the case record, the Court finds that the presence of the other sides are necessary for consideration of the injunction petition . It will be expedient in the interest of justice to cause notice to be served to the other side in such circumstances.

As the plaintiff side could not make out such an urgent and exceptional case and the court also finds no reasons to grant an ex parte injunction, therefore, the court is inclined to go by the letter and spirit of **Order 39 Rule 3 CPC** which gives the mandate that Court to direct notice to opposite party before granting injunction.

Hence, the Court is inclined to reject the prayer for passing an *exparte/ad interim order* of injunction against the defendants at this stage for the reasons as above assigned.

Hence, it is

Ordered

that the prayer for exparte / ad interim injunction be and same is **rejected** with no order as to costs.

Issue notice upon such defendants calling upon them to file show cause within **7** days from the date of receipt of the notice as to why the plaintiff's prayer for temporary injunction shall not be granted. For this purpose, the plaintiff may be directed to file requisites for issue of notice upon the defendants by both ways (i.e. by regd. post as well as through court) at earliest as above noted.

Todate.

Dictated & Corrected by me

C.J. (Sr. Divn.), Raiganj

C. J.(Sr. Divn.), Raiganj