

In The Court of Civil Judge (Junior Division), Lalbagh, Murshidabad

Title Suit 32 of 2019

Present : Arindam Chakraborty.

Civil Judge(Jr. Div), Lalbagh.

Order No. 06, Dated 17.06.2019

The date is fixed for hearing temporary injunction petition. At this stage on behalf of petitioners ready slip preferred through their Ld. Advocate along with a petition for further extension of the order of injunction as passed by this Court.

On behalf of the petitioners it is apprised to this Court in spite of taking necessary steps none of the OPs appeared to contest the claim.

On such submission on the part of the petitioners it appears from the record that though on 16.01.2019 affidavit – preferred in the record by one Priyotosh Dutta, Law Clerk regarding compliance of Order XXXIX Rule 3 (a) and (b) of the Code of Civil Procedure but the same appears not at all satisfactory. No where from the affidavit it appears that either the documents as detailed therein was delivered or through registered post any steps were taken in favour of the opposite parties by informing the order passed against them ex parte by this Court or for securing their appearance with a view to have a fair hearing.

While it appears that the petitioners failed to comply with the duties which they have asked to perform as required by the proviso of Order XXXIX Rule 3, he must take the risk. This Court being satisfied of non compliance with the provisions contained in the proviso, therefore, finds that the party cannot be allowed to take advantage of such order which he himself disobeyed and he who does no equity cannot enjoy equitable relief.

Hence, it is,

ORDERED

that the ex parte order of injunction as passed by this Court on 15.01.2019 is hereby vacated. The petition for extension of ad interim order of injunction as preferred by the side of petitioners is hereby rejected.

The petitioners are asked to take proper steps for securing attendance of the other side.

Fix to date i.e. **13.08.2019** for hearing of temporary injunction application.

D/C by me,

Sd/-

**Civil Judge (Junior Division) Court,
Lalbagh**

Sd/-

**Civil Judge (Junior Division) Court,
Lalbagh**