



2024:UHC:9842

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMS No. 3542 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> Mr. Neeraj Garg & Mr. Rajendra Arya, Advocates for the petitioner. 2. Petitioner is aggrieved by order dated 02.07.2024, passed by learned Civil Judge (Junior Division), Vikasnagar, Dehradun in O.S. No. 112 of 2024. By the said order, learned Trial Court issued notice on the temporary injunction application, fixing 25.07.2024. Thereafter, the next dates fixed for disposal of temporary injunction application were 06.09.2024, 09.10.2024, 20.11.2024 & 23.12.2024, and now, next date fixed is 31.01.2025. 3. Learned counsel for petitioner submits that in the facts and circumstances of the case, it was incumbent upon the Trial Court to grant <i>ex parte</i> interim injunction in favour of petitioner. 4. This Court is not impressed by the said submission. The order passed by learned Trial Court cannot be faulted in view of provision contained in Rule 3 of Order 39 CPC, which reads as under:- “3. Before granting injunction, Court to direct notice to opposite party. The Court shall in all case, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party: Provided that, where it is proposed to grant an



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		injunction without giving notice of the application to the opposite party, the Court shall record the reasons for its opinion that the object of granting the injunction would be defeated by delay, and require the applicant- (a) to deliver to the opposite party, or to send to him by registered post, immediately after the order granting the injunction has been made, a copy of the application for injunction together with- (i) a copy of the affidavit filed in support of the application; (ii) a copy of the plaint; and (iii) copies of documents on which the applicant relies, and (b) to file, on the day on which such injunction is granted or on the day immediately following that day, an affidavit stating that the copies aforesaid have been so delivered or sent.” 5. Learned counsel for petitioner then submits that defendant no. 1 was not served earlier; however, today defendant no. 1 has put in appearance through her counsel before learned Trial Court. 6. Since defendant no. 1 is represented before Trial Court and summons have been duly served upon other respondents, therefore, writ petition is disposed of with a request to learned Trial Court to consider the prayer made by petitioner for temporary injunction in his application on the next date fixed i.e. 31.01.2025. (Manoj Kumar Tiwari, A.C.J.) 23.12.2024 Navin
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