
(2018) 06 UK CK 0081

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1759 of 2018

Smt. Tejinderjit Kaur

APPELLANT

Vs

Swami Kailashanand Brahamchari Shishya Bharamchari
Mahant Gopalanand & another

RESPONDENT

Date of Decision : 20-06-2018

Acts Referred:

Code of Civil Procedure, 1908 — Order 39 Rule 3

Citation : (2018) 06 UK CK 0081

Hon'ble Judges : MANOJ K. TIWARI, J

Bench : Single Bench

Advocate : Divya Jain, Shweta Jain

Final Decision : Disposed Off

Judgement

Manoj K. Tiwari, J. (Oral)

1. Petitioner filed a suit for injunction, which was registered as Original Suit No. 125 of 2018, in the court of Civil Judge (S.D.), Haridwar on which,

learned court below issued notice to the defendants on 08.05.2018 fixing 18.05.2018 and subsequently, next date fixed in the matter is 19.07.2018.

Petitioner is aggrieved by the order dated 08.05.2018, whereby learned court below issued notice on her temporary injunction application to the defendants.

2. It is the contention of learned counsel for the petitioner that in the facts and circumstances of the case, learned trial court ought to have granted ex-parte temporary injunction, as prayed for by the petitioner.

3. Since Order 39 Rule 3 of CPC mandates the trial court to issue notice to the opposite party, before granting temporary injunction, therefore, I find

no infirmity in the order impugned in the writ petition.

4. Learned counsel for the petitioner informs that the next date fixed in the matter before the trial court is 9.07.2018, therefore, having regard to the facts of the case, the said date is pre-poned to 03.07.2018.

5. Learned counsel for the petitioner, on instructions, undertakes to effect service of notice upon defendants in the suit, on or before 02.07.2018. In

case, all the defendants are served, learned trial court shall consider petitioner's temporary injunction application on the next date fixed i.e.

03.07.2018.

6. With the aforesaid direction, writ petition stands disposed of.