



दिनांक

आज्ञा पत्र



12. A bare perusal of this section clearly reveals that section 225(1) of the Act can be divided into three different categories, firstly the final order order passed on an application of the nature specified in the Third shedule; Secondly, such other orders an are mentioned in Section 212 of this Act; thirdly such other orders as are passed under section 104 of CPC”

निर्णय के पैरा संख्या 51 में अंकित किया है:-”

Such other order passed under Rules 1, 2,2A,4A and 10 of order 39 of the Code are appealable but the ad-interim ex- parte order passed under Rules 3 and 3A of order 39 of the Code are certainly not appealable as per provision of section 104 read with order 43 Rule 1(r) of the Code.”

निर्णय के बिन्दु सं.8 Guidelines for the Appellate Court जिसके उप बिन्दु (6) अनुसार A new trend has emerged that when the Trial Court chooses not to pass an ad- interim ex- parte order on an application of temporary injunction, and issues notices to the non- applicants to appear and to file their objections, if any, on the next date of hearing, in the meantime the applicant prefers an appeal before the First Appellate Court to obtain the interim order of temporary injunction, in such cases, where the proceedings are still in progress with the Trial Court and no order has been passed either way. There in no reason to unnecessarily disturb the independent functioning of the Trial Court. In appropriate cases direction for early disposal of such applications can be given.

विचारण न्यायालय में प्रकरण अभी तक तलवी हेतु नियत है। विचारण न्यायालय के समक्ष उक्त प्रकरण के विरुद्ध अपीलांट द्वारा उक्त अपील पेश की गयी है जो अन्तिम आदेश न होकर अन्तरिम आदेश है ऐसा आदेश केस डिसाइडेड की श्रेणी में नहीं आता है। अतः अपील अपीलांट सारहीन होने से खारिज की जाती है। पत्रावली में अब कोई कार्यवाही शेष नहीं होने से पत्रावली फैसल शूमार होकर नम्बर से कम होकर बाद तरतीब तकमिल दाखिल दफतर हो।

श्री प्रबन्ध अधिकारी एवं  
पदेन राजस्व अपील अधिकारी  
सीकर(कैम्प बुन्दन)