

**IN THE COURT OF [DESIGNATION OF THE PRESIDING OFFICER], [PLACE]**

[CASE TYPE] No. \_\_\_\_ of 20\_\_

[NAME OF PLAINTIFF / PETITIONER / COMPLAINANT]... Plaintiff / Petitioner /  
Complainant

Versus

[NAME OF DEFENDANT / RESPONDENT / ACCUSED]... Defendant / Respondent /  
Accused

Next date of hearing: [DATE]

**APPLICATION UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION  
151 CPC FOR THE GRANT OF A TEMPORARY INJUNCTION DURING THE  
PENDENCY OF THE SUIT**

Respectfully sheweth:

1. That the plaintiff / applicant has filed the accompanying suit for [RELIEF], the contents of which may be read as part of this application.
2. That the applicant has a prima facie case, as [STATE BRIEFLY — title, possession, documents].
3. That the balance of convenience lies in favour of the applicant, as [REASON].
4. That the applicant will suffer irreparable loss and injury, which cannot be compensated in money, if the defendant is not restrained from [ACT] during the pendency of the suit.
5. That there is urgency, as [the defendant is likely to \_\_ at any time], and the object of granting the injunction would be defeated by delay. [Ground for ex parte ad interim relief, if sought.]
6. That the right requiring protection is [identified right], supported at this stage by [document and facts]. The threatened act is [specific act, date and evidence], concerning [clearly identified property or subject].
7. That the prima facie issue arises from [specific disputed fact or legal right], and the applicant's existing position on the filing date is [possession or other factual position].
8. That withholding protection would cause [identified imminent harm] which damages would not adequately repair because [reason]. The opposing party's likely hardship from the proposed restraint is [assessment].
9. That the balance of convenience favours [narrow restraint] because [comparative consequences]. The order sought preserves [subject] and does not effectively grant unsupported final relief.
10. That [if ex parte relief is sought] notice would defeat the object because [specific imminent event]; the applicant undertakes prompt compliance with Order XXXIX Rule 3, including supply of papers and the prescribed affidavit of compliance.
11. That material adverse facts and earlier interim orders are [full particulars]. The proposed restraint is [exact terms and duration], with a return date and service arrangement.

12. That [OPTIONAL: retain only after verifying the cited rule and these facts] the prima facie right [evidence], injury not adequately reparable by damages [facts], and comparative hardship [analysis] satisfy the distinct considerations in Dalpat Kumar. The narrow restraint sought is [terms] and the contrary material is [disclosure and answer].

**PRAYER**

It is, therefore, respectfully prayed that the defendant, his agents and servants may kindly be restrained by a temporary injunction from [ACT] in respect of [SUIT PROPERTY / SUBJECT MATTER] during the pendency of the suit, and an ex parte ad interim injunction may be granted till the disposal of this application.

Place: [PLACE]    Date: [DATE]

APPLICANT Through [NAME OF ADVOCATE] Advocate Enrolment No. [\_\_]

Note: If an ex parte injunction is granted, comply with Order XXXIX Rule 3 CPC (deliver or send the papers to the opposite party as directed).

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**AFFIDAVIT**

Affidavit of [NAME OF DEPONENT], [S/o / D/o / W/o] [NAME], aged about [\_\_\_\_] years,  
resident of [FULL ADDRESS WITH PIN CODE].

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is competent to swear this affidavit and the accompanying [suit /  
petition / application] has been drafted by counsel on the deponent's instructions. Its  
contents have been read over and explained in [LANGUAGE], understood by the  
deponent, and are incorporated as part and parcel of this affidavit; the factual statements  
are true to the deponent's knowledge or identified records, and legal submissions are  
based on advice believed to be true.
2. That [no same or similar suit / petition / application on the same cause of action has been  
filed / the following prior or pending proceedings, outcomes and orders are fully  
disclosed: \_\_\_\_]. Nothing material has been concealed.

DEPONENT

**VERIFICATION**

Verified at [PLACE] on [DATE] that paragraphs 1 and 2 above are true and correct to my knowledge and  
identified records, with legal submissions based on advice believed true. Nothing material has been concealed.

DEPONENT

Note: To be sworn before an Oath Commissioner / Notary Public and stamped as required by the applicable  
rules.

## **PREPARATION AND JUDGMENT APPLICATION**

Updated 11 October 2026. Complete every material fact, retain only supported alternatives, and renumber before filing. These notes support professional adaptation; they do not supply missing evidence or guarantee relief.

Filing and relief checks. Plead all three requirements with evidence. For an ex parte order give real reasons why notice would defeat the object; comply with Rule 3. An interim mandatory order requires its own stricter analysis.

Fact-specific authority. *Dalpat Kumar v. Prahlad Singh*, (1992) 1 SCC 719; 16 December 1991, paras 4–5. Connect the prima facie right, uncompensable threatened injury and comparative hardship to the records. A prima facie case alone does not establish entitlement to an injunction. Read the judgment  
Source: <https://indiankanoon.org/doc/49480/>

Before relying on any authority, compare the material facts, procedural stage, statutory version and precise relief; check subsequent treatment and applicable local practice. Keep the authority note separate from the signed pleading. For criminal procedure, determine Section 531 BNSS savings rather than select the code solely from the alleged offence date.