

DIFFERENCE BETWEEN

AD INTERIM ORDER AND INTERIM ORDER

UNDER THE CODE OF CIVIL
PROCEDURE, 1908 (CPC)

Prepared By :

Adv Usha Vats & Adv Manoj Parashar



Difference Between “Ad Interim Order” and “Interim Order” under CPC

Basis	Ad-Interim Order	Interim Order
Meaning	A temporary or provisional order passed before hearing the opposite party , usually ex parte (without notice).	An interim order is passed after hearing both parties , pending the final disposal of the main case.
Nature	<i>Immediate and short-term</i> — granted to protect rights until the court decides the interim application.	<i>Relatively longer-term</i> — continues until the final decision or modification by the court.
When Passed	At the initial stage , when urgent relief is needed and there’s no time to hear the other side.	After both parties are heard on the interim application (like under Order 39 Rules 1 & 2 CPC).
Example	If the plaintiff files for an injunction, the court may grant an ad-	After the defendant appears and arguments are heard, the court may

Basis	Ad-Interim Order	Interim Order
	interim injunction immediately to prevent damage before the next hearing.	confirm, modify, or vacate it — that becomes the interim injunction order .
Duration	Till the next date of hearing or till the other side is heard.	Until the final judgment or further order of the court.
Opportunity to Opposite Party	Usually not given at the time of passing the order (ex parte).	Given — both parties are heard.
Objective	To prevent immediate harm or miscarriage of justice.	To maintain status quo during the pendency of the suit.

Relevant Provisions

- **Order 39 Rules 1 & 2 CPC** → Deals with temporary injunctions (includes ad-interim and interim).
- **Order 39 Rule 3 CPC** → Lays down conditions for granting **ex parte ad-interim injunction** (must record reasons and serve copies immediately).

Illustration

- **Step 1:** Plaintiff files for injunction → Court grants **ad-interim injunction** immediately (without hearing defendant).
- **Step 2:** Defendant appears → Court hears both sides → Court passes **interim injunction order** (confirming, modifying, or vacating the ad-interim order).

In Short

Ad-interim order = emergency, ex parte protection

Interim order = provisional order after hearing both sides, till final decision

