

EP. No.54/2022

Heard the ld. Counsel for the Dhr on IA No.I to III and I have perused the available materials on record.

ORDER ON IA No.I.

This is an application filed by the plaintiff praying for the dispensation of the issuance of statutory notice as contemplated U/sec.80 (1) of CPC against Jdr No.12 i.e. ADLR, Bailhongal.

This Dhr submitted that if the notices are not dispensed, the delay will decline the relief sought by the Dhr.

On perusal of entire materials, satisfied with the reason assigned, if this IA No.I is not allowed the Dhr may put to greater hardship and very purpose of filing of this EP will be defeated. Therefore, I proceed to pass the following;

ORDER

The IA No.I U/Sec.80 (2) of CPC filed by the Dhr is hereby allowed.

The leave is hereby accorded to the Dhurs to implead ADLR, Bailhongal as party to this case without complying Sec.80 (1) of CPC and said notices are dispensed hereby.

Civil Judge & JMFC, Kittur.

Further, learned counsel for Dhr has filed IA No.II U/o.1 Rule 10 (2) of CPC to implead ADLR Bailhongal as proposed Jdr. No.12.

Further, file IA No.III. U/sec.151 of CPC to restrain the proposed Jdr No.12 to conduct any survey over petition schedule property.

Perused, the materials. The ADLR, Bailhongal is hereby restrained from conducting any survey over petition schedule property till further orders.

Issue IA No.II & III notices with interim order on IA No.III to proposed Jdr No.12. R/by 18.10.2022.

Civil Judge & JMFC, Kittur.