

ORDER ON I.A. No.1 to 3

This is the suit filed by the plaintiff against the defendants for the relief of declaration and other reliefs in respect of suit schedule property. Along with this suit plaintiff filed IA No.1 filed U/Sec.80(2) of CPC. Seeking to dispense with the issuance of the statutory notice to the defendants. The plaintiff also filed IA No.2 under Order 39 Rule 1 and 2 of CPC., seeking ex-parte temporary injunction restraining the defendants from causing interference with the plaintiff peaceful possession and enjoyment of the schedule property and through I.A.No.3 to restrain the defendants from dispossessing the plaintiff from the suit property.

I have heard on behalf of plaintiff side. As per statement made in the affidavit filed along with the IA No.1, it shows there is an urgency in filing the suit seeking injunction against the defendants. If the plaintiff wait for 60 days as contemplated under section 80 of CPC., the very purpose of filing the suit will be defeated and they may put to great injustice. Further, the defendants are the government officials. As the defendants are government officials before passing any exparte order against the government it is just and necessary to hear the other side. Hence, I proceed to pass the following:

ORDER

The IA No.1 filed under section 80(2) of CPC is hereby allowed subject to the objections may be raised by the defendants.

Issue suit summons and emergent notice on IA.No.2 and 3 to the defendants.

Returnable by 21.03.2023.

SCJ & JMFC, Hosakote.