

ORDERS ON IA.NO.1.

The present application is filed by the plaintiff seeking dispensation of issuance of statutory notice as contemplated U/sec.80(1) of CPC, against the defendants.

2. The plaintiff has filed the above suit against the defendants i.e., State and Forest Department, seeking the relief of bare injunction with respect to the suit schedule property.

3. The plaintiff has contended that the land to an extent of 102.03 acres in Sy.No.52 of K.Kelaguru Village is Gomal land, out of which the plaintiff is in possession of land to an extent of 1.20 acres described under plaint schedule. Plaintiff has specifically contended that his predecessors were also in possession of suit property and now he being in its possession, has submitted an application in form No.57 seeking grant of plaint schedule property, wherein he has grown coffee, areca, pepper etc., by fencing the same. This being the case, on 05.02.2025, the defendants are trying to dispossess the plaintiff forcibly from the plaint schedule property by removing fence and trying to cut and damage the plants grown therein, without taking any action against the similarly situated land holder.

4. Plaintiff has produced RTC pertaining to land in Sy. No. 52 of K.Kelaguru Village which goes to show that out of 278.04 acres of land, 102.03 acres is classified as Gomal land. The plaintiff has submitted that out of said gomal land, he is in possession of suit property and anticipating land grant by filing form No. 57. The plaintiff has also contended that he has fenced the suit property and cultivating the same but the defendants are trying to dispossess the plaintiff therefrom forcibly. Photograph produced by the plaintiff would disclose digging of trench. The plaintiff has sought for interim injunction against the defendants.

5. Being satisfied with the reasons assigned in support of the present application, this Court considers that if this IA is not allowed, then the

plaintiff will be put to hardship. Therefore, this Court proceed to pass the following;

ORDER

The IA No.1 filed U/Sec.80(2) of CPC by the plaintiff, is hereby allowed and accordingly, issuance of statutory notice against the defendants, as required under Sec.80(1) of CPC, stands dispensed with.

Issue suit summons and emergent notice on IA No.2, to the defendants, r/by 17.03.2025.

Suit summons and e-notice to defendant No.3 be issued through RPAD.

Call on 17.03.2025.

Sd/-

C/c A.C.J. & J.M.F.C., Mudigere.