

**ORDER ON IA NO.I FILED UNDER SECTION 80(2) OF
CPC**

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.

2. The plaintiff has filed the above suit against the defendants i.e., state and the AEE, PWD, Mudigere, for the relief of Permanent Injunction with respect to the suit schedule property.

3. The Plaintiff has contended that it is in possession of the suit schedule property using it as a godown to store fertilizers which will be sold to the formers. The said promises was taken on monthly rent of Rs.2,400/- from the defendant No.1 during the year 2002. Later, in the year 2011-12 and 2022, the plaintiff got repaired and improved the suit property by investing a total sum of Rs.13,34,225/- which the defendants have agreed to reimburse the same by adjusting the rent payable. Thereafter, the plaintiff was not paying the rent. The defendants though have not come forward to settle the accounts, they began to pressure the plaintiff to vacate the suit property and issued several notices to the plaintiff calling to pay rent and also vacate the suit property. The reply issued by the plaintiff turned not helpful, but on 23.05.2024, the defendants and their men have threatened that they will take coercive steps and throw all the materials forcibly and occupy the suit property. If such thing is done, the stock to the tune of 4,000/- bags inside the godown will be thrown to streets due to which the plaintiff as well as the formers will put to untold hardship. Now, the plaintiff by way of present application is seeking for dispensing of statutory notice, pleading, urgency in the matter on the ground that the threat of defendants is still continuing.

4. On perusal of the materials available on record, it is seen that the Plaintiff has averred in the plaint that it is in possession of the suit property obtaining the same on rent by the defendants. The plaintiff has further contended that it has stored fertilizers in the suit property and the defendants are continuously threatening the plaintiff that they would take coercive steps, thrown all the materials outside and forcibly dispossess the plaintiff. The plaintiff has also sought interim injunction against the defendants who are the

state government and PWD department.

5. Being satisfied with the reason assigned in support of the present application, this Court considers that if this IA is not allowed the plaintiff may be put to hardship. Therefore, this Court proceed to pass the following;

ORDER

The IA No.I filed U/Sec.80(2) of CPC by the plaintiff, is hereby allowed and accordingly, the Statutory Notice against the defendants required under Sec.80(1) of CPC, is dispensed with.

Issue suit summons to both the defendants R/by 26.06.2024.

Sd/-
**Prl. Civil Judge & J.M.F.C.,
Mudigere.**