

## **ORDERS ON IA.NO.1.**

The present application is filed by the plaintiffs seeking dispensation of issuance of statutory notice as contemplated U/sec.80(1) of CPC, against the defendant No.2 and 3.

**2.** Heard the L/c for plaintiffs. The plaintiffs have filed the above suit against the defendants seeking a decree of declaration, mandatory injunction and permanent injunction with respect to the suit schedule property. Defendant No.2 is the Tahasildar of Mudigere Taluk and defendant No.3 is the State.

**3.** The plaintiffs have contended that the suit property which was the ancestral property of the plaintiffs grandfather, later came to the name of one Huchamma and the plaintiffs. The land to an extent of 0.17 guntas in Sy.No.122/3 of Kirugunda Village, belonging to one Byraiah S/o. Ramaiah, is situated at a distance about two furlong away from the suit schedule property. The said Ramaiah is also called as Burudan Ramaiah. The RTC of suit property which stood in the name of Huchamma and plaintiffs, surprisingly disappeared and the name of Byraiah S/o. Burudaiah appeared in the RTC. The defendant No.2 has not considered the request of plaintiffs to restore the RTC. This being the case, the defendant No.1 with the help of defendant No.2 is trying to mutate the RTC of suit property to the name Manjamma on basis of innovated partition deed dated:03.11.2012. Further on 27.04.2025 the defendant No.1 made attempt to commit trespass into the suit property and also trying to avail loan.

**4.** By pleading the above factual aspects, the plaintiffs have also sought for interim injunction against the defendants among whom defendant No.2 is the Tahasildar of Mudigere Taluk and defendant No.3 is the State against whom the statutory notice is sought to be dispensed with on a ground that the matter is most urgent and the plaintiffs could not wait for two months by issuing such notice.

**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 plaintiffs 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 plaintiffs, is hereby allowed and accordingly, the statutory notice to be issued against the defendant No.2 and 3, as required under Sec.80(1) of CPC, stands dispensed with.**

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

**In addition to the above, L/AGP is directed to accept notice on behalf of defendant No.2 and 3.**

**Await suit summons and emergent notice by:09.07.2025.**

Sd/-  
**P.C.J. & J.M.F.C., Mudigere.**