

OS 2/2019
Dt: 03-01-2019

Heard the arguments on I A No.II. Perused the records. Plaintiff has filed IA No.II under Order 39 Rule 1 and 2 and Section 151 of CPC. At this stage the plaintiff has made out sufficient grounds to grant Exparte Ad-interim order, if the Exparte interim order is not granted the very purpose of filing of the suit will be defeated. Hence following:

ORDER:

IA No.II filed by the plaintiff under Order 39 Rule 1 and 2 of CPC praying to grant exparte ad-interim order is hereby allowed. The Defendants, their men, servants, agents, legal representatives or any persons claiming

under them are hereby restrained from trespassing into the plaint schedule properties and from transferring/ alienating the plaint schedule properties till the next date of hearing i.e, 04-02-2019.

The plaintiff is hereby directed to comply the Order 39 Rule 3 of CPC.

The office is hereby directed to issue suit summons and emergent IA notice and temporary injunction order against the defendants.

Call on for await summons by 04-02-2019.

(YASHVANTHA KUMAR R.)
CIVIL JUDGE & JMFC,
MOODBIDRI

Civil Judge and J.M.F.C.,
MOODBIDRI (c/c)

ORDER ON I.A.NO.III

The plaintiff/ applicant filed instant application under Section 80(2) of CPC to permit her to institute suit without complying requirement of Section 80(1) of CPC.

On perusal of entire materials on record, I find that, the applicant has filed suit for permanent injunction. The defendant no.1 is trying to illegally encroach over applicant's kumki land which is stated in plaint 'B' schedule and which is attached to plaint 'A' schedule property. Since RTC is standing in the name of Government the applicant has made defendant no.2 as a formal party. The issue of notice to defendant no.2 under Sec.80(1) of CPC would require 60 days time. If the matter is not taken on board the applicant would be frustrated from getting her reliefs as early as possible. Since the matter is of urgency it is necessary to dispense with the notice under Section 80(2) of CPC. Therefore, if instant IA is not allowed the applicant/ plaintiff would be put into a greater hardship. Therefore, I hereby proceed to pass the following;

ORDER

*I.A.No.III which is filed by plaintiff/ applicant
under Section 80(2) of CPC is hereby allowed.*

*It is hereby granted the permission to plaintiff
to institute the suit against defendant no.2 without
complying the requirements of Section 80(1) of CPC.*

*The issue of statutory notice is hereby
dispensed with.*

*Issue Ad-interim order, notice on I.A.No.II
and suit summons against defendants by:*

(ARUNA KUMARI A)
Civil Judge and J.M.F.C.,
MOODBIDRI