

The plaintiff has filed the present suit against the defendants No.1 to 4 for the relief of permanent injunction to restrain them from illegal dispossession of the plaintiff from the suit schedule property.

Along with the suit, the counsel for the plaintiff has filed the I.A. No.1 under section 80(2) C.P.C. seeking to dispense the statutory notice as contemplated under section 80(1) thereby the sought the leave of this court to institute the present suit and I.A. No.2 under section 39 Rule 1 and 2 R/w 151 C.P.C., seeking to restrain the defendants No.1 to 4 from interfering with the peaceful possession and enjoyment of the suit schedule property and from illegal dispossession by way of ad-interim ex-parte temporary injunction.

I have heard Sri. G.V.K counsel for the plaintiff on I.A. No.1, perused its accompanying affidavit, plaint and documents relied upon at this stage. On perusal of the same, it is pleaded that, the defendants No.1 to 4 have trying to dispossess the plaintiff on the instigation of the political influenced persons for the purpose of formation of the sites in the suit schedule property and thereby trying to destroy the crops grown in the suit schedule property by way of illegal trespass.

Further on perusal of the affidavit averments including the grant certificate filed by the plaintiff, it is satisfied that suit filed by the plaintiff involves urgency or immediate relief sought to be obtained. Hence, if the notice as contemplated under section 80(1) C.P.C. is not dispensed, the plaintiffs might

have put to heavy loss and very nature of the suit would be defeated, if the defendants dispossess the plaintiff from the suit schedule property. Accordingly, averments made in the affidavit annexed to the I.A. No.1 is sufficient to satisfy this court to grant leave to institute the suit without complying the provisions of section 80(1) of C.P.C.

In addition, the plaintiffs have also sought to restrain the defendant No.1 to 3 interference with the peaceful possession and enjoyment of the suit schedule property and from illegal dispossession by way of exparte ad-interim temporary injunction. The rule of law is that no interim relief shall be granted against the Government and any public officer purporting to act in discharge of his official duty without extending reasonable opportunities being heard. Accordingly, this court is proceed to pass the following,

ORDER

The plaintiff is hereby permitted to institute the suit without issuing the notice to the defendants No.1 to 4 as contemplated under section 80(1) of C.P.C.

Issue suit summons and emergent notice on I.A. No.1 and 2 to the defendants No.1 to 4 if sufficient P.F. is paid.

Call on by 24-07-2020.

Addl., Civil Judge and JMFC.,
Hirekerur.

Perused the office note. Received e-mail from the Hon'ble Prl., Dist., and Sessions Judge, Haveri regarding the directions for disposal of two applications filed under section 457 of Cr.P.C.

Sri. R.C.S. advocate files above applications under section 457 of Cr.P.C., vakalath, list with documents through e-mail of Hon'ble

Prl., Dist., and Sessions Court,
Haveri. Hard copies of the same are
secured by the office and put up for
necessary actions.

For objections to applications
filed under section 457 of Cr.P.C and
call for P.F report.

Further office is hereby directed
to communicate the both the counsel
for the applicant and for learned APP
regarding hearing of the matter
through Video Conference app by
name Jisti-meet. Office is hereby
directed to send the video conference
link to counsel for the applicant and
learned APP.

Video conference is fixed at 11-
00 am on 29-05-2020.

Addl., Civil Judge and JMFC.,
Hirekerur