

OS No.211 of 2019 19-07-2019

The plaintiff has filed the suit against the defendant for the relief that not to obstruct his peaceful possession and enjoyment of "ABCD" hand sketch map schedule property by the defendants or any body acting under him.

The plaintiff has also maintained IA No.1 under section 80(2) R/w section 151 of CPC to dispense with statutory notice to the defendant as matter involves urgency on the ground that the defendant has hurriedly constructing commercial complex rooms in front of his house without leaving path way or road to his house. On said back ground I have perused the application affidavit and accompanying documents relied upon by the plaintiff.

On perusal of same it is evident that plaintiff case involves some urgency or immediate relief to be granted.

The plaintiff has also filed IA No.2 under order 39 Rule 1 and 2 R/w section 151 of CPC seeking to grant of temporary injunction against the defendant not to obstruct his peaceful possession and enjoyment of "ABCD" hand sketch property. It is quit clear that, as per section 80(2) of CPC, no interim reliefs or otherwise to be granted against to the Government except reasonable opportunity to be

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given to the defendant. Hence this court is proceed to pass following:

ORDER

The statutory notice required under section 80(1) of the CPC is hereby dispensed with and plaintiff is permitted to institute the suit without serving any notice as required under section 80(1) of CPC.

Issue emergent notice on IA No.1 and 2 to the defendant.

Call on: 28-07-2019.

Addl. Civil Judge & JMFC.,
Hirekerur.