

22.4.2024.

**Order on IA No.1 U/s.80(2)of CPC.**

The plaintiff has filed this application U/s.80(2) of CPC and sought dispensation of issuance of two months statutory notice to defendants.

2. The plaintiff has sworn to an affidavit in support of IA and stated that the plaintiff is claiming urgent interim reliefs in this suit and hence he could not issue two months statutory notice to defendants. Hence prays to allow the IA.

3. Perused the records. Heard arguments.

4. The plaintiff has sought permission to file the suit by dispensing the issuance of statutory notice of two months to the defendants. The object of provisions of Section 80(2) of CPC is to afford an opportunity to the plaintiff to bring his grievance to the knowledge of the government so as to the government may attend the same. If the plaintiff himself is not willing to use such an opportunity the court cannot force the plaintiff to avail an opportunity. Apart from this looking to the nature of the case and facts and circumstances it becomes clear that the plaintiff is going to get urgent relief in the suit. Therefore it is just and necessary to allow the application. Hence the following:

**ORDER**

The application filed by the plaintiff U/s.80(2) of CPC is hereby allowed.

The issuance of statutory notice to the defendants before filing the suit is hereby dispensed and the plaintiff is permitted to institute this suit.

Senior Civil Judge & JMFC, Sedam.

22.4.2024

**Exparte T.I. Order on IA No.2.**

The plaintiff has filed this application U/O 39 Rule 1 and 2 of CPC and sought to restrain the defendants by way of exparte temporary injunction from alienating the suit schedule property.

The plaintiff has sworn to an affidavit in support of IA and stated that he has filed the suit for declaration of title, permanent injunction and mandatory injunction. He is the absolute owner of the suit property. The defendants are trying to dispossess him from the suit property. Hence, prays to allow the IA.

Perused the records. Heard arguments.

The plaintiff has filed the suit for the relief of declaration of title, mandatory injunction and permanent injunction in respect of suit property. He has filed Ia U/s.80(2) of CPC and sought dispensation of issuance of two months statutory notice to defendants. The provisions of Section 80(2) of CPC reveals that whenever an application U/s.80(2) of CPC is filed the Civil Court cannot pass any exparte TI order without giving notice to the defendants. Therefore, in this case this court cannot pass any interim exparte TI order on IA No.2. Hence, the following:

**ORDER**

Office to issue notice of IA No.2 and suit summons to defendants 1 and 2 through court and to defendant No.3 through RPAD.

Returnable by 30.5.2024.

Senior Civil Judge & JMFC, Sedam.