

Heard Sri NP, advocate for plaintiff on IA - I filed under Section 80(2) of CPC seeking for dispensation of statutory notice to the defendants No.9 and 10 on the ground that the relief sought is urgent and immediate in nature. It is noted that the main relief of partition and separate possession has been sought against defendants No.1 to 8 and the relief of mandatory injunction has been sought against defendant No.11. Sri NP, advocate submits that no relief has been sought against defendants No.9 and 10 and they have been made only as a formal parties to the suit. Considering the nature of the suit, plaint averments and the grounds stated under IA - I, I am of the considered opinion that no prejudice will be caused in this case to the other side, if the issuance of statutory notice is dispensed for the time being subject to the objections that may be filed by the defendants No.9 and 10 and by permitting the plaintiff to file this suit. Hence for these reasons, the following;

ORDER

The plaintiff is permitted to file this suit by dispensing the statutory notice against defendant No.9 and 10 for the time being and subject to objections that may be filed by the defendant No.9 and 10.

Issue suit summons to defendants, if steps taken returnable by 29/08/2022.

Addl. Sr.C.J. & JMFC,
Maddur.