

Order on I.A.No. I

The present application I.A.No.I is filed by the plaintiff U/Sec 80(2) of CPC to dispense with 60 days statutory notice to be issued U/Sec 80(2) of CPC to defendant No.8 to 10.

2. The said application is supported by the affidavit of the plaintiff and it is sworn that, the plaintiff is the absolute owner of suit schedule properties but without any proper reasons, the name of the family members of plaintiff has been deleted. By taking undue advantage of the same, the defendants are trying to disposes the plaintiff from schedule properties and therefore the matter is very urgent to claim the interim relief. Hence prayed to dispense with the 60 days notice against the defendant No.8 to 10.

3. Heard the arguments of counsel for plaintiff. Perused the plaint averments and documents produced along with plaint.

4. The plaintiff has filed present suit against the defendants for the relief of declaration and permanent injunction restraining the defendant No.8 to 10 from interfering with the plaintiff's peaceful possession and enjoyment of suit schedule property. On perusal of the averments made in the plaint it is stated that the defendant No.10 is making attempt to dispossess the plaintiff from suit schedule property. It is also stated that the plaintiff has already issued notice to the defendant No.8 to 10 as required U/Sec 80 of CPC. It is sworn by the plaintiff that there is requirement of interim order immediately in order to prevent to defendant No.8 to 10 from dispossessing the plaintiff from schedule property. On perusal of the documents produced by the plaintiff, he has already

issued section 80 CPC notice to the defendant No.8 to 10 on 28.06.2024 and the said notices were received by the said defendants. The plaintiff by swearing affidavit has stated the reasons for dispensing the 60 days notice to the defendant No.8 to 10. The grievance of the plaintiff is that the defendants are trying to dispossessing him from the suit schedule property. If the defendants are successful in the said allegation made against them, more prejudice and hardship would be caused to the plaintiff. If the plaintiff is permitted to institute the suit by dispensing with 60 days statutory notice to the defendant No.8 to 10, no hardship would be caused to them and since the notices had already served to them on 29.06.2024. Hence by considering the reasons stated in the application, the I.A.No.I filed by the plaintiff deserves to be allowed. Hence this court proceed pass the following :

ORDER

The application I.A.No.I filed U/Sec 80(2) of CPC filed by the plaintiff is hereby allowed and the plaintiff is hereby permitted to institute the suit by dispensing with 60 days mandatory notice U/Sec. 80 of CPC.

Office to issue S/S to defendants along with notice on I.A.No.2 and 3.

Call on: 03.08.2024.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 15th day of July, 2024)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**