

ORDER

The plaintiff has filed the suit against the defendants seeking the relief of partition and separate possession and along with suit, I.A.No.1 is filed under Sec.80(2) of CPC seeking to dispense issuance of statutory notice to defendant No.10. It is the contention of the plaintiff that the defendant No.10 is about to disburse the compensation amount and therefore the matter is urgent one and hence the plaintiff has prayed to dispense the issuance of notice to defendant No.10.

Considering the fact that, suit is for partition and the amount of compensation in respect of one of the suit schedule property is with defendant No.10 and he may disburse the amount pending service of summons to the defendants, it is just and roper to dispense the issuance of prior notice to defendant No.10. Hence the plaintiff has made out grounds for allowing I.A.No.1. Therefore, I proceed to pass the following:

ORDER

The application filed under Sec.80(2) of CPC is allowed.

Issuance of prior notice to defendant No.10 is dispensed.

Senior Civil Judge
Gubbi.

ORDER

The plaintiff has filed I.A.No.II under Order 39 Rule 1 and 2 of CPC seeking an order of temporary injunction restraining defendant No.10 from disbursing the compensation amount. As defendant No.10 is a statutory authority no ex-parte injunction order can be granted against him. Hence no grounds are made out by the plaintiff for granting an exparte order against defendant No.10. Hence, I proceed to pass the following:

ORDER

Issue notice to I.A.No.II and suit summons to defendant No.10 and suit summons to defendants No.1 to 9.

Senior Civil Judge
Gubbi.