

Counsel for plaintiff has filed IA No.4 seeking for dispensation of notice against proposed D-6 and 7 and IA No.5 seeking to implead proposed D-6 and 7. For order on IA No.IV. Kept by.

ORDERS ON IA NO.IV

The learned counsel for plaintiff has filed an application U/Sec.80(2) R/w.Sec.151 of CPC. He also moved an application U/o.1 Rule 10 R/w.sec.151 of CPC seeking to implead proposed defenant No.6 and 7 by dispensing with the notice U/Sec.80(2).

2. Perused the IA No.IV and contents of the affidavit sworn in by the plaintiff. It is stated in the affidavit that the present suit is filed against defendant restraining from undertaking unnecessary construction. After filing of this suit, the plaintiff recently came to know that proposed defendant No.6 and 7 are planing to carry out road construction, as such they are the necessary parties to the suit. The apprehension of the plaintiff is that if the notice in not dispensed with proposed defendant No.6 and 7, it will cause injury to plaintiff and if the notice is dispensed with, no hardship will be caused to defendants.

3. At this stage, this court is satisfied that notice U/Sec.80(2) of CPC is to be dispensed this, otherwise the very purpose of filing the suit will be defeated. The plaintiff has made out grounds for urgency in the matter. Hence, IA No.IV deserves to be allowed. Therefore, this court proceeds to pass the following order-

ORDER

4. IA No.IV filed U/Sec.80(2) R/w.Sec.151 of CPC is hereby allowed. Plaintiff is permitted to continue the suit against the proposed defendant No.6 and 7 by dispensing the issuance of prior notice as per section 80(1) of CPC.

Issue notice on IA No.5 to proposed defendant No.6 and 7 if PF and sufficient IA copies are furnished.

Call on: 01-10-2024.

Sd/-

Addl.Civil Judge, Ankola.