

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.

Regular Civil Suit No. 81 of 2023

Ismail Shaikh and others ... Plaintiffs

Versus

The Collector and others ... Defendants

ORDER BELOW EXHIBIT – 82

(Passed on 5th February, 2026)

The present application is preferred by the plaintiffs seeking waiver of the statutory period of notice prescribed under Section 80 of the Code of Civil Procedure. The learned counsel appearing for the plaintiffs has submitted that the plaintiffs have already issued notice under Section 80 of the Code of Civil Procedure to the proposed defendant Nos. 7 to 9. It is further contended that there exists urgency in the matter inasmuch as the proposed defendants have commenced construction activity on the disputed site. In view of such urgency, the statutory waiting period of two months is sought to be waived in terms of Section 80(2) of the Code of Civil Procedure.

02] I have heard the learned counsel for the plaintiffs. It is required to be noted that Section 80(2) of the Code of Civil Procedure carves out an exception to the general mandate contained in Section 80(1) and enables a plaintiff to institute a suit for obtaining urgent and immediate relief without serving the statutory notice contemplated under Section 80(1), subject, however, to the condition that such suit is instituted with the leave of the Court. The foremost and essential requirement envisaged under Section 80(2) of the Code of Civil Procedure is the existence of urgency in the matter.

03] Having considered the settled legal position, it is evident that, in the present case, the plaintiffs have already caused issuance of statutory notices to the proposed parties. However, the plaintiffs seek waiver of the statutory waiting period of two months. I have perused the entire record of

the case as well as the photographs placed on record. Having regard to the urgency pleaded by the plaintiffs, it is found that insistence upon the statutory waiting period of two months after issuance of notice would defeat the object of seeking immediate relief. Therefore, the statutory waiting period of two months is liable to be waived and dispensed with in exercise of powers under Section 80(2) of the Code of Civil Procedure. Hence, the following order is passed:

ORDER

1. The application stands allowed.
2. The statutory period of two months prescribed under Section 80(1) of the Code of Civil Procedure is hereby waived in exercise of powers under Section 80(2) of the Code of Civil Procedure.

Dated : 5.02.2026.
Ramtek.

(S.M. Sarode)
Civil Judge Senior Division,
Ramtek.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are same word to word as per original order.

R. J. Khobragade, Stenographer(Gr.II)