

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.

Neha and another ... Plaintiffs

Versus

Dadarao and others ... Defendants

ORDER BELOW EXH.6*(Passed on 26th February, 2026)*

The present application is preferred by the plaintiff seeking waiver of the statutory notice and period of notice prescribed under Section 80 of the Code of Civil Procedure. The learned counsel appearing for the plaintiff has submitted that there exists urgency in the matter inasmuch as defendant no.1 is trying to alienate the suit property to the third party. In view of such urgency, the statutory notice and 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 plaintiff. 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] I have perused the entire record of the case placed on record. Having regard to the urgency pleaded by the plaintiff, it is found that insistence upon the statutory notice and statutory waiting period of two months would defeat the object of seeking immediate relief. Therefore, the statutory notice and 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 notice and 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.
3. Suit be registered as per rule.

Dated : 26.02.2026.
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)