

**Order below Exh.08 in R.C.S.No.162/2023**  
**(Kaushabai Vs. Shankar and Ors.)**

Read the application and say filed on it. Heard the learned counsel for both side. By the application, the plaintiffs sought to waive notice contemplated under Section 80 of the Code of Civil Procedure, 1908. Sub Section 1 of Section 80 of the Code of Civil Procedure, provides for pre-suit notice of 2 months prior to filing the suit against the government and its public officers in respect of any act purporting to be done by such public officer in their official capacity. However, Sub Section 2 of Section 80 thereof allows the plaintiff to file the suit with permission of the court without giving the aforesaid notice in case of the suit seeking urgent or immediate relief against the government or any public officer as aforesaid.

2. Here, the plaintiffs filed the suit against the Collector, Special Land Acquisition Officer, and other revenue authorities being defendant Nos.5 to 10 for partition and compensation of the proceeds of acquisition, and other incidental reliefs. The plaintiffs also filed application Exh.5 seeking urgent and immediate relief. Then it is clear that the plaintiffs sought the urgent interim relief in the suit. They also filed the present application while filing the suit for permission of the court to institute suit against the public officers without notice under Section 80 of the Code of Civil Procedure. Hence, in view of Section 80(2) of the Code of Civil Procedure, the plaintiffs are entitled to institute suit seeking urgent relief without the

issuing notice contemplated under Section 80(1) thereof against the public officers. Hence, the plaintiffs are allowed to institute and continue the suit without issuing such notice. Hence, the application is liable to be allowed, and accordingly, I pass the following order,

**ORDER**

1.The application is allowed.

2.The plaintiffs are allowed to institute and continue the suit without issuing notice to the public officers in view of Section 80(2) of the Code of Civil Procedure, 1908.

**Sd/-xxx**

**Date : 20.02.2024.**

**(M. M. Gadiya)  
Civil Judge S.D., Sinnar.**