

21-11-2022:

Plaintiff by PKS Adv.
For Order

ORDER

Plaintiff has filed I.A.No.I under Section 80(2) CPC seeking to exempt him from serving notice of two months prescribed under Section 80(1) CPC.

He has filed I.A.No.II under Order XXXIX Rules 1 and 2 Code of Civil Procedure, 1908 praying the Court to grant ad-interim ex-parte order of temporary injunction restraining defendants from interfering with peaceful possession and enjoyment of the suit schedule property pending disposal of the suit.

2. I have perused the I.A and suit records.
3. On perusal of the records, it is seen that the plaintiff has filed this suit for declaration and permanent injunction asserting that he is the absolute owner of the suit schedule property which was granted by the Government in favour of his father by issuance of Saguvali chit and now in the year 2007 an order came to be passed by the Special Deputy Commissioner, Bangalore behind the back of the plaintiff and as such a notice was issued by defendant No.4 to the plaintiff. Stating that he has illegally occupied the land which belongs to the Government. Having gone through the materials that are placed on record, at this stage I find that there is an urgency made out by the plaintiff to dispense with issuance of statutory notice as provided under Section 80(1) CPC, however I find it

proper to hear the defendants before passing any order of injunction on I.A.No.II. Therefore at this stage I see no grounds to grant *exparte* injunction in this matter. Hence I pass following:

ORDER

(i) I.A.No.I filed by the plaintiff is *allowed*.

(ii) Accordingly notice to be issued to the defendants under Section 80(1) CPC is dispensed with and the plaintiff is permitted to institute this suit without such notice.

(iii) Issue emergent notice on I.A.No.II and suit summons to all the defendants.

Returnable by 07-12-2022.

(Ganesha Padiyar U.)
I Additional Senior Civil Judge,
Bengaluru Rural District, Bengaluru.