



IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION),
DHANORA
(Presided Over by Nilesh Prabhakar Wasade)

R.C.S. No.1/2018

Namdeo Hana Kumre

... **Plaintiff**

Vs.

Dawalu Bukku Matlami+5

... **Defendants**

Order Below Exh.40

This is an application for dispensing of notice under Section 80 of the Civil Procedure Code, 1908.

2] Said application is strongly opposed by defendants. Further, said application is opposed by proposed defendants No. 8 and 9 by filing reply *vide* Exh.52.

3] Proposed defendant No. 7 is failed to appear and file reply. Hence, matter proceeded without his reply.

4] Heard advocate Shri. V.B. Gore for proposed defendants No. 8 and 9, advocate Shri. G.D. Duga for defendants. Advocate Shri. P.J. Ghongade for plaintiff is absent when called.

5] According to plaintiff, proposed defendants constructed compound wall around the suit property without permission of the plaintiff. Hence, they are obstructing the suit property. Hence, they are necessary party. According to proposed defendants No. 8 and 9, they

constructed compound wall on their own land to protect the property. Proposed defendants No. 8 and 9 and proposed defendant No. 7 are Government party. Hence, before institution of suit, issuance of notice under Section 80 of the C.P.C. is necessary. Reason mentioned in the application is not satisfactory. Further, the plaintiff failed to show any urgency in the matter. Hence, issuance of notice is necessary. Further, the plaintiff has liberty to take the plaint return for filing in appropriate Court. This Court has no jurisdiction to dispense the notice. Hence, application is not maintainable. Hence, order.

Order

- 1] Application is rejected.
- 2] Cost of this application shall be borne by the plaintiff.

Date: 17.03.2020

(Nilesh Prabhakar Wasade)
Civil Judge (Jr. Dn.), Dhanora.
(MHGA 06-2899)