



Required judicial Stamp

**BEFORE HONOURABLE THE CIVIL JUDGE (SENIOR DIVISION)
JUNAGADH DISTRICT AT JUNAGADH**

REGULAR CIVIL SUIT NO: _____ OF 2013

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))
)) **PLAINTIFF**

Versus

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))
)) **DEFENDANT**

Subject: Application as required under Section 80 (2) of Civil Procedure Code for permission to bring the suit against the State Government and its officers without the notice as contemplated under Section 80 of Civil Procedure in view of the emergent nature of the reliefs sought for...

MOST RESPECTFULLY SUBMITTED:

- 1) The Plaintiff brings the suit for a declaration that the impugned action of the Defendant is unjust, unfair, unreasonable, arbitrary and violative of existing provisions of law. Pending such declaration from this Honourable Court, the Plaintiff is also required to bring an application under Order 39 Rules (1) and (2) of Civil Procedure Code for “interim injunction” so as to restrain the Defendant from enforcing the impugned action that works to the prejudice of the Plaintiff.**
- 2) The Plaintiff submits that Section 80 of the Code of Civil Procedure lays down that no suit shall be brought against the Union of India, the State Government, or its officers, unless the notice precisely stating the facts of the case and the probable relief intended to be sought is served. Thus, according to the provision, a suit for a relief can be brought only after the expiry of statutory period of notice for a period of 60 days.**

- 3) **But, the Parliament brought the amendment under Section 80 (2) of the Civil Procedure Code with the result that in case the relief sought by the Plaintiff is that of the urgent nature, the Honourable the Court where the suit is presented is left with a discretion to permit such Plaintiff to bring the suit against the Government and its officers without the notice contemplated under Section 80 of Civil Procedure Code.**
- 4) **Present Plaintiff has brought the application for interim injunction, where the Plaintiff has set out the particulars and as to how the emergent situation has arisen to bring an application and for restraining the Defendants from enforcing, executing or implanting the impugned action. The Plaintiff has also filed the affidavit in support of such emergent situation.**
- 5) **Having regard to the provisions of Section 80 (2) of the Civil Procedure Code, the Plaintiff prays for the following reliefs:**
- (a) The suit that is being brought by the Plaintiff for declaration and urgent relief as narrated in an application for interim relief may please be permitted to be brought against the defendant as provided under Section 80 (2) of the Civil Procedure Code.**
- (b) Such other and further reliefs may also be granted.**

And for this act of kindness, the plaintiff as in duty bound shall pray for ever.

Dated:

Place:

Signature of the Plaintiff