

Civil M.A. No. 02./2026

M/s. Shivraj Enterprise

Vs.

M/s. Vibhuti Wines & Ors.

CNR No. UTDD01-000073-2026

ORDER BELOW EXH. 1.

Perused the application. Heard the learned Advocate. As per section 80 of the Code of Civil Procedure (hereinafter referred to as 'the CPC'), no suit can be instituted against the public officer in respect of any act purporting to be done by such officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to such officer/office. However, the learned Advocate has made out the urgency to institute the suit without the notice under section 80 of the CPC. It has been submitted that the suit is for permanent injunction and recovery of money. The defendant No. 1 through defendant No. 2 and 3 has filed an application before the defendant No. 4 for transfer of excise license to new place from Somnath to Dunetha, Nani Daman and to change the firm's title from M/s. Vibuti Wines to M/s Foreign Wines. Several litigations involving defendant No. 1 to 4 are pending in various Courts. Defendant No. 4 being a Government Authority, is under obligation and duty bound to safeguard the interests of the plaintiff. If the said application of the defendant No. 1 to 3 is approved by the defendant No. 4, the plaintiff would face irreparable loss, as it would be difficult to plaintiff to recover outstanding amount from the defendant No. 1 to 3. Therefore, considering the urgency, it will be justifiable to institute the suit without serving the statutory notice on the defendant No.4 in accordance with the provisions of section 80(2) of the CPC. Hence, the following order.

ORDER

- 1) The application is allowed.
- 2) Superintendent is directed to register the suit.

Daman
Date: 19/01/2026

(Pranita P. Bharsakade-Wagh)
Civil Judge Senior Division,
Daman

CERTIFICATE

I affirm that the contents of this P.D.F. File order are same, word to word, as per the original order.

Name of Employee	Santosh R. Khapekar
Designation	Stenographer (L.G.)
Name of Court	Civil Judge Sr. Dn. & C.J.M., Daman.
Date of order	19/01/2026
Order signed by the Presiding Officer on	19/01/2026
Order uploaded on	20/01/2026