

ORDER ON I.A. NO.III

1. This application is filed by the defendants U/o 41 Rule-5 R/w sec. 151 of CPC praying to stay the order passed by this court on I.A.No. II dated : 11.08.2020.

2. It is stated in the accompanying memo of facts that the defendants wants to challenge the order passed by this court on I.A.No.II. Hence, he prayed to stay further proceedings of the present suit.

3. The advocate for the plaintiffs filed objections contending that the order passed on I.A.No. II is not executable order and I.A.No. II is dismissed by this court. Hence there is no grounds to stay further proceedings of this case. Further he contended that the defendants filing one or the other applications on false grounds, only to cause delay in the matter. Hence, on all these grounds he prayed to reject the application.

4. Heard and perused.

5. The following points arise for my consideration:

Point No.1-Whether the defendants have made out grounds to allow the application ?

Point No.2-What order ?

6. My answers to the aforesaid points are as under :

Point No. 1 : In the Negative.

Point No. 2 : As per final order, for the following:

REASONS

7. **Point No. 1** : On careful perusal of the entire order sheet it reveals that the present defendants had filed on I.A.No. II U/o 7 Rule 11(A) R/w sec. 151 of CPC for rejection of plaint and the said application was dismissed by this court. Thus, it is clear that said order is not executable order. Hence, there is no grounds to stay further proceedings. Even if the proceedings continued no harm will caused to defendants. Thus, there is no merit in the application. Hence, point No.1 is answered in the negative.

8. **Point No.2** : In view of aforesaid reasons, I proceed to pass the following order.

ORDER

I.A No.III filed by the defendants U/o 41 Rule-5 R/w sec. 151 of CPC is hereby rejected.

For hearing on I.A.No. I.
Finally call on : 28.08.2020.

Sd/-

Civil Judge, Banahatti.

