

RA 79/2024

ORDER ON IA NO.2.

Along with appeal memo, the appellant maintained IA No.2 U/o 41 rule 5 R/w sec. 151 of CPC praying to stay the operation of the decree passed in OS 24/2018 dated 26.02.2024 on the file of I ACJ, Channagiri till disposal of this appeal.

In the affidavit annexed to the application, the appellant stated that the trial court decreed the suit instituted by the respondent and the appellant will put in to great hardship, trouble and irreparable loss and it will tie the hands of the legal authority to approach as per law under PTCL Act and other act and prays to other applications.

Heard. The counsel for the appellant. Despite the appearance of the respondent, the respondent not filed objections to this application.

Perused. The records. It is noticed that the trial court decreed the suit instituted by the respondents against the appellant hearing for the relief of permanent injunction. As per order 21 rule 32 of CPC the mode of execution is not provided but the execution of permanent decree shall be enforced after violation of the decree passed in permanent injunction. In the affidavit

annexed to the application, no pleadings being made by the appellant as to how the respondent will execute the decree passed by the trial court. Admittedly the decree passed in permanent injunction suit shall be enforced after disobedience of the decree willfully that too by initiating execution proceedings. Under such circumstances, in the absence of necessary pleadings, this court is of the considered view that the appellant not made out any grounds for considering this application in his favour. Accordingly, I proceed to pass the following,

ORDER

The IA No. 2 filed by the appellant U/o 41 rule 5 R/w sec. 151 of CPC is hereby dismissed.

Call on for argument by 06.03.2025.

Sd/-

Sr. C. J. and JMFC, Cng.,