

ORDERS ON I.A.No.1

Heard the counsel for the appellants on I.A.No.1. I.A.No.1 is filed under order 41 rule 5 r/w 151 of CPC seeking stay of the execution, operation and implementation of the judgment and decree dated 17.7.2023 passed by Addl. Civil Judge, Arsikere in O.S.407/2013 on the ground that the Judgment of the Trial Court is against the well settled principles of law and the Trial Court has failed to consider the materials placed by the appellants. It is argued by the learned counsel for the appellants that if an order of stay as prayed for is not granted, there is every chance that the appellants would be put to irreparable loss and hardship. Hence, it is prayed that a stay order restraining the operation and implementation of the aforesaid Judgment be granted.

2. I have considered the submissions made. A perusal of the judgment and decree under appeal shows that the Trial Court has partly decreed the suit of the plaintiffs. The Judgment was passed on 17.7.2023. The plaintiffs have filed the suit under appeal seeking for the relief of partition, separate possession and declaration. There are chances of appellants/defendants being dispossessed. In view of the appeal filed, it would be necessary to issue an order of stay until disposal of appeal on merits. Hence, the operation, execution and implementation of the judgment and decree dated 17.7.2023 passed by the learned Addl. Civil Judge,

Arsikere in O.S.407/2013 is stayed until the appeal is decided on merits.

Issue notice to the respondents. Call for Trial Court records.

(Smt.Anitha G.)
Senior Civil Judge & JMFC,
Arsikere.