

**Order on IA No.1**

1. The appellant has filed the application under Order 41 Rule 5 of CPC wherein prayed to stay the operation of the judgment and decree passed in O.S.No.145/2011 dated 07.03.2022 by the Civil Judge & JMFC, HD Kote.

2. In support of the application, the appellant has filed affidavit, wherein assigned various reasons to allow the application.

3. Heard and perused.

4. On perusal of the materials available on record, it reveals that, there is no caveat. Further it is very relevant to note that respondents/plaintiffs filed a suit against the defendants seeking for a relief of specific performance of contract. After full pledge trial, the trial court decreed the suit, directing the of defendant No.1 and 2 to execute a registered sale deed in favour of plaintiff within one month by setting aside the sale deed dated 28.12.10 executed by defendant no.1 in favour of defendant no.2. As the Trial Court has given a time limit for executing the decree and as the counsel for appellant/defendant no.1 has come up with the appeal challenging the judgment and decree by mentioning several grounds under the appeal and more so the valuable rights of appellants are involved, under these circumstances in view of the submission, I carefully peruse the materials available on record. On perusal of the materials, it is just and necessary to stay the operation and execution of the trial court order as it is a executable decree. Hence, I proceed to pass the following;

**ORDER**

**Issue an order of interim stay, staying the operation of the judgment and decree passed in O.S.No.145/2011 dated 07.03.2022 till next date of hearing.**

**Issue notice on IA No.I and on main appeal to the respondents.**

**Call on for appearance of respondents by 02.06.2022.**

(Dictated to the Stenographer on computer, typed by him, revised, corrected and then pronounced by me in the open Court on this the 21<sup>th</sup> day of April 2022).

Senior Civil Judge & J.M.F.C  
H.D.Kote