

ORDERS ON IA No.I

The appellant being aggrieved by the Judgment and Decree passed in OS No.179/2015 dated 01.08.2024, on the file of Prl. Civil Judge and JMFC, K.R.Nagar preferred this appeal Under order 41 Rule 1 R/w Section 96 of CPC along with this application Under order 41 Rule 5 R/w Section 151 of CPC seeking stay of operation of said Judgment and Decree.

2. Further the appellant has filed IA No.I Under Section 5 of Limitation Act and prays for condone the delay of 9 months 14 days to preferred this Appeal.

3. These applications are supported by sworn affidavit of the appellant along with certified copy of the Judgment and Decree. Wherein, the trial court has decreed the suit of the plaintiff. Further the record shows that, the respondent No.1 had filed original suit in OS No.179/2015 against the appellant and respondent No.2 for the relief of partition. The trial court was pleased to decree the suit of the plaintiff/respondent No.1.

4. Now it is apprehension of the appellant that, by making use of Judgment and Decree in O.S.No.179/2015, the plaintiff is making attempt to execute the judgment and decree by filing execution proceedings. The

respondent No.1 was already filed final decree proceedings in FDP No.9/2025 for enforcement of preliminary decree.

5. Considering the nature of Judgment and Decree which is passed in original suit and considering the facts and circumstances of the case, it is just and necessary to stay the execution and operation of impugned order, otherwise the very purpose of filing of this appeal will be defeated.

6. Thus, considering prayer of appellant and pending disposal of appeal, it is just and necessary to stay the execution and operation of impugned order. Accordingly, this court proceed to pass the following:

ORDER

The execution and operation of impugned order dated 01.08.2024 passed in O.S.No.179/2015 on the file of Prl. Civil Judge and JMFC, K.R.Nagar is hereby stayed till disposal of IA No.II.

Issue notice to respondents.

Call on: 05.08.2025.

**Sr. CJ. and JMFC,
K.R.Nagar.**