

ORDERS ON IA No.I

The appellant being aggrieved by the Judgment and Decree passed in OS No.16/2019 dated 30.11.2024, on the file of Addl. Civil Judge and JMFC, K.R.Nagar preferred this appeal U/O 41 Rule 1 of CPC along with this application U/O 41 Rule 5(1) of CPC seeking stay of operation of said Judgment and Decree.

2. This application is supported by sworn affidavit of the appellant No.2 along with certified copy of the Judgment and Decree. Wherein, the trial court has decreed the suit of the plaintiff in part. Further the record shows that, the respondent No.1 had filed original suit in OS No.16/2019 against the respondent No.2 for the relief of permanent injunction in relation to the plaint schedule property. The trial court was pleased to decree the suit of the plaintiff/respondent No.1 by granting the permanent prohibitory injunction, in and upon the plaint schedule property.

3. Now it is apprehension of the appellant that, by making use of Judgment and Decree in O.S.No.16/2019, the plaintiff is making attempt to execute the judgment and decree by filing execution proceedings.

4. 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.

5. Thus, considering prayer of appellant No.2 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 30.11.2024 passed in O.S.No.16/2019 on the file of Addl. Civil Judge and JMFC, K.R.Nagar is hereby stayed till disposal of the appeal.

Issue notice notice to respondents.

Call on: 10.03.2025.

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