

ORDERS ON IA NO.I AND II

The appellant being aggrieved by the Judgment and Decree passed in OS No.282/2018 dated 20.06.2025, on the file of Addl. Civil Judge and JMFC, K.R.Nagar preferred this appeal Under Section 96 of CPC along with this application U/o. 41 Rule 5 R/w Section 151 of CPC seeking stay of operation of said Judgment and Decree.

2. Further the appellants have filed IA No.II Under Section 5 of Limitation Act prays for condone the delay of 4 months and 9 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 for the relief of specific performance of contract and directed the defendants shall execute the sale deed in favour of respondent/plaintiff by depositing the balance consideration amount of Rs.25,000/-.

4. Now it is apprehension of the appellant that, by making use of Judgment and Decree in O.S.No.282/2018, the respondent is making attempt to execute the sale deed through court commissioner. In support of his contention, he has filed memo along with certified copy of the plaint in OS No.19/2022 which is pending before this court. The plaint disclosed that the son of appellant herein was filed a suit for partition against the appellant and her daughter including respondent for the relief of partition and separate possession and also to cancellation of sale agreement dated 09.02.2015. Further, the counsel for appellant filed copy of the

interim application which filed by the decree holder/ respondent in Ex.No.43/2025 to the trial court for appointment of commissioner in order to obtain the sale deed in terms of judgment and decree passed in OS No.282/2018. The said execution petition posted today itself for steps.

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. Further the reasons stated in the accompanying affidavit which enclosed IA No.I is satisfied. Accordingly, the delay is condoned.

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 20.06.2025 passed in O.S. No.282/2018 on the file of Addl. Civil Judge and JMFC, K.R.Nagar is hereby stayed till next date of hearing.

Issue notice to respondent on IA No.I and II.

Call on: 19.12.2025.

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