

R.A.12/2023

This regular appeal is preferred by the appellant against the judgment and decree dated 13.02.2023 in O.S. No.5/2013 by the II Addl. Civil Judge and JMFC, Nanjangud, wherein the trial court has decreed the said suit by declaring that the plaintiffs are the absolute owners of the suit schedule property and further granted the relief of permanent injunction.

Perused the pleadings and materials on record. The appellant submits that if the decree is executed she will be dispossessed of her valuable property resulting in irreparable loss. She has got a good case to prosecute. Therefore, she seeks to stay the execution of the said decree under Order 41 Rule 5 of CPC in O.S. No.5/2013 dated 13.02.2023. From the perusal of records prima facie case is made out for the grant of stay. Hence I proceed to pass the following :

ORDER

The execution of judgment and decree dated 13.02.2023 in O.S. No.5/2013 by the II Addl. Civil Judge and JMFC, Nanjangud, is stayed till the next date of hearing by way of exparte ad-interim order on I.A. under Order 41 Rule 5 of CPC by the appellant.

Issue exparte stay order and issue appeal notice to the respondents if proper PF paid returnable by

Senior C.J. & JMFC.,
Nanjangud.

10.03.2023.