

R.A. 22/2023

This regular appeal is preferred by the appellants against the judgment and decree dated 28.02.2023 in O.S. No.211/2018 by the Prl. Civil Judge and JMFC, Nanjangud, wherein the trial court has decreed the said suit by directing the appellants/defendants to repay Rs.1,50,000/- with interest at 6% per annum from the date of suit till the date of realization.

Perused the pleadings and materials on record and also the decision furnished by the learned counsel for the appellants reported in HCR 2023 Kant 27 Shashirekha and others Vs. S.H.Basavarajaiah, wherein it is held that there is a bar for court to pass any decree in favour of money lender, unless it is specified that he is having valid licence to carry on such business.

The appellants submit that if the decree is executed they will be put to irreparable injury. Therefore, they seek to stay the execution of the said decree under Order 41 Rule 5 of CPC in O.S. No.211/2018 dated 28.02.2023. 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 28.02.2023 in O.S. No.211/2018 by the Prl. 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 appellants.

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

Senior C.J. & JMFC.,
Nanjangud.

20.04.2023.