

ORDERS ON I.A.No.I

Application U/sec.5 of limitation Act is filed on behalf of the appellants to condone delay of 22 days in preferring the appeal.

Application is enclosed with affidavit of appellant No.4 wherein it is stated the appellant No.1 is his mother and other appellants are sisters and cousins and they authorized him to depose on their behalf.

The appellants had filed this appeal challenging the judgment and decree in OS No.57/2015 dated 19.01.2026 on the file of Prl. Senior Civil Judge and JMFC, Channapatna. Soon after the decree, he could not contact all the defendants due to his official work and was unable to meet his advocate in time to provide instructions to prepare appeal. Hence there is delay of 20 days in preferring the appeal which is bonafide and there is no any malafide intention. Hence prayed for condoning the delay of 22 days in preferring the appeal.

Heard on behalf of the appellants and perused the documents produced on behalf of the applicant wherein he

had produced medical documents of appellant No.15 and submitted that due to his busy schedule he could not contact all the defendants and give instruction to the advocate to prefer appeal in time. Hence taking into consideration the grounds urged on behalf of the appellant and by considering the documents produced as the delay being 22 days. As the stay of operation of the judgment and decree is also sought, it is just and appropriate to condone the delay, as the appellant had made out sufficient cause for not preferring the appeal within the time of limitation. Hence being satisfied, I proceed to pass the following ;

ORDER

IA No.I filed U/sec.5 of limitation Act is allowed.

**(PANCHAKSHARI.M.) dated 25.03.2026.
C/c III Addl. Dist. & Sessions Judge,
Channapatna.**

ORDERS ON IA NO.II

Heard on behalf of appellant in connection to IA No.II filed under Order No. XLI Rule 5 R/W/Section 151 of CPC to stay the operation of judgment and decree in OS No.57/2015 dated 19.01.2026 on the file of Prl. Senior

Civil Judge and JMFC, Channapatna pending disposal of the appeal.

Perused Certified copy of the Judgment suit is one for Partition and separate possession. Suit is decreed holding plaintiff is entitled to partition and separate possession of half share over the suit schedule property. Appellants herein are the defendants in OS No.57/2015. They have contested the matter before the Trial Court with their defense. Now in view of decree of partition if at all final decree proceedings is initiated the very purpose of filing the appeal will become infectious. Hence taking into consideration the grounds urged on behalf of the appellant, as appellants had placed appeal grounds questioning the judgment and decree. This Court is of the opinion that it is just and appropriate to stay the operation of the judgment and decree till appearance of the respondent. Hence, I proceed to pass the following;

ORDER

IA No.II filed U/o 41 R 5 R/W/sec 151 of CPC is allowed.

The operation of judgment and decree in OS No.57/2015 dated 19.01.2026 on the file of Prl. Senior

Civil Judge and JMFC, Channapatna is stayed till appearance of the respondent.

Issue notice to respondent and orders on IA No.II by 04.06.2026.

(PANCHAKSHARI.M.) dated 25.03.2026
C/c III Addl. Dist. & Sessions Judge,
Channapatna.