

**ORDERS ON I.A. NO.1**

The appellant has filed this application under Order 41 Rule 5 of C.P.C. to stay the operation and execution of the judgment and decree passed in O.S.No.214/2013 dated 30-08-2025 till disposal of the appeal.

**2.** The appellant sworn to an affidavit stating that, the plaintiff has filed suit in O.S.No.214/2013 and trial court partly decreed the suit of the plaintiff. The trial court wrongly passed the judgment against him and directed him to handover the possession of the suit schedule property to the respondent within three months from the date of the judgment, failure on which, the respondent is entitled to recover the possession of the suit schedule property with due process of law. Hence judgment and decree is contrary to the law. Further the trial court has held that sale deed dated 08-05-2002 is not binding on the family of respondent which is not correct and prayed to allow the application.

**3.** Now the appellant has filed this appeal raising various grounds. Since he has taken contention that the respondent may dispossess him from the suit

schedule property and good grounds are raised in the present appeal. Therefore, it is necessary to stay the execution and operation of the impugned decree, failing which the respondent who has succeed in the suit may take advantage in which event it is appellant who may suffer. Therefore, I proceed to pass the following:

**ORDER**

**I.A.No.1 filed by the appellant under Order 41 Rule 5 of C.P.C. is hereby allowed.**

**The operation and execution of the decree in O.S.No.214/2013 is stayed till further orders.**

**Issue notice to respondent and call for the TCR by 14-11-2025**

**Prl. Senior Civil Judge & CJM,  
Karwar.**