

ORDER ON I.A.NO.II

The I.A.No.II is U/O XLI Rule 5(1) r/w section 151 of CPC., seeking relief to stay the operation and execution of the judgment and decree in OS No. 13/2020 dated 13.06.2023 on the file of the Prl. Civil Judge, Bhatkal.

In the affidavit, it is stated that the respondents have filed suit for the relief of recovery of possession and consequential relief of permanent injunction in respect of suit schedule 'B' property and the said suit was wrongly decreed by the Trial Court by dismissing the counter-claim of appellant. Presently, the respondents are under process to get execute the judgment and decree of the Trial Court. So, if the appellant is evicted from the suit schedule property then, irreparable loss would be caused to the appellant, which cannot be compensated in terms of money.

Heard both sides and perused material records.

Admittedly, the appellant has preferred in this appeal against the judgment and decree of the Trial Court in OS 13/2020 dated 13.06.2023. Hence, on careful perusal of entire material records, it appears prima-facie case to grant the stay. Hence, considering the reasons stated in the affidavit, I am of the considered view that stay the judgment and decree of the Trial Court for the interest of equity and justice. Hence, I proceed to pass the following:

ORDER

The I.A.No.II filed U/O.XLI Rule 5(1) of CPC., r/w section 151 of CPC is hereby allowed.

The operation and execution of judgment and decree in OS No. 13/2020 dated 13.06.2023 on the

file of Prl. Civil Judge, Bhatkal is
hereby stayed.

Issue intimation to Trial Court.

Call for TCR

Call on: 28.03.2025.

Senior Civil Judge, Bhatkal