

ORDER ON IA No. I

The appellant / applicant has filed IA No.I U/o 41 Rule 5 r/w sec. 115 of CPC seeking relief to stay the operation and execution of order passed by the Addl. Civil Judge, Bhatkal in FDP No.10/2012 dated 22-08-2023.

In the affidavit stated that, the Trial Court has passed the order to draw the final decree on the basis of Commissioner report without considering the objections of the appellant in FDP No.10/2012. Hence, now the respondents are under process to evict the appellant and if the appellant is evicted then injustice will be caused to the appellant.

Heard and perused.

Admittedly, this appeal is against the order passed by Addl. Civil Judge, Bhatkal. So, as reasons stated in the affidavit and after considering the material records, available on the hand I am of satisfied that the operation and execution of order in FDP No.10/2012 is to be stayed till the appearance of the respondents. Hence, I proceed to pass the following;

ORDER

IA No.I u/o 41 rule 5 r/w sec. 151 of CPC filed by the applicant/ appellant is hereby allowed.

The operation and execution of order in FDP No.10/2012 dated 22-08-2023 on the file of Addl. Civil Judge, Bhatkal is stayed till the appearance of respondents.

Hence, issue intimation to the Trial Court.

Issue notice to respondents.

Call On: 01-12-2023.

Sd/-

Senior Civil Judge, Bhatkal.