

**Order on IA No.III under Order XLI,
Rule V of CPC**

Sri. MIH for respondent filed objection on IA No.3.

Sri. KSB for appellant submits the plaintiff has filed a suit for damages and claim of the plaintiff has been resisted by the defendant. But the defendant could not submit his material evidence before the trial court. Ultimately suit came to be decreed and trial court directed to pay a damages of Rs.50,000/-.

Now in pursuance of the decree the Dhr has filed execution petition before the trial court and by taking the attachment warrant of movables they are going to attach all the computers, almeras and other movable properties in the judgment debtor office. Further submits the judgment debtor office is a municipality and public are having day to day access with the office. If the properties are attached the public as well as the judgment debtor will put more hardship. Hence they requested to stay the operation of judgment and decree of the trial court.

Per contra Sri. MIH for respondent submits though the trial court has decreed the suit they have not complied the direction of the court and filed the appeal after lapse of more than 265 days delay and delay is not at condoned. They purposefully avoiding deposit of the amount. Hence they requested to not grant any stay order.

Perused.

By considering the submissions of both the counsel admittedly suit for damages came to be decreed and directed to pay the damages of Rs. 50,000/-. In the event of attachment of movables in the office of judgment debtor and if they have been taken out certainly the public will suffered a lot. By considering the submission of both the counsel and facts and circumstances this court felt it is just and necessary to stay the operation and decree of the trial court subject to deposit of Rs.20,000/- before the trial court within 10 days from this order. Accordingly I proceed to pass the following:

ORDER

IA No.III filed by the respondent under Order XLI Rule V of CPC is hereby allowed.

Perused.

Operation and execution of judgment and decree in OS No.14/2014 dated 03-01-2024 is hereby stayed subject to deposit of Rs.20,000/- before the trial court by the appellant within 10 days as a security.

Call on to hear on IA No.I on 24-03-2025.

Sd/-

Senior Civil Judge & JMFC,
Honnavar.