

ORDERS ON APPLICATION

The Appellant filed the application under Order XLI Rule 5 of C.P.C. prays the court to stay the execution and operation of judgment and decree dated 21.07.2022 passed by the II Addl. Civil Judge and JMFC, Udupi in O.S.No.102/2021 on the ground that the respondent by taking undue advantage of the judgment and decree of the trial court is likely to cause the change of entries in records before the authorities for taking unlawful benefits. Among other grounds, pray for allow the application.

The respondent filed detailed objections.

Heard.

The present appeal is preferred by the appellant aggrieved by the judgment and decree passed in O.S.No.102/2021 by the trial court.

The decree is a executable decree. On perusal of the grounds of appeal at this stage, the appellant has got valid grounds to be urged at the time of arguments of main appeal. If the judgment and decree of the trial court is not stayed, then the respondent may take steps before the trial court in

the execution petition to fulfill the decree. In such an event, the appeal become infructuous. On the other hand if the matter is stayed without any condition, then the appellant may drag the matter. Hence, I proceed to pass the following:

ORDER

The Application filed by the Appellant under Order XLI Rule 5 of C.P.C. is hereby allowed.

In the result, the judgment and decree of the trial court in O.S.No.102/2021 on the file of II Addl. Civil Judge and JMFC, Udupi is hereby stayed for a period of 5 months from today.

Prl. Sr. Civil Judge & C.J.M.
Udupi.

Arguments on merits by 06.12.2025.

