

**IN THE COURT OF THE DISTRICT JUDGE, ALAPPUZHA**  
**Present: Sri. K.K.Balakrishnan, District Judge**  
**Monday the 17<sup>th</sup> day of November, 2025/26<sup>th</sup> Karthikam 1947**

**I.A. No. 2/2025 in CMA No.54/2025**  
**(Filed on 26.09.2025)**

Petitioners/:  
Appellants

1. Augustine Joseph, Aged 55 years, S/o Joseph, Kocheekkaran House, Vandanam Muri, Punnapra Village, Punnapra P.O, Alappuzha District
2. Anila, Aged 23 years, D/o Late Betty, Kocheekkaran House, Vandanam Muri, Punnapra Village, Punnapra P.O, Alappuzha District
3. Babila, Aged 20 years, D/o Late Betty, Kocheekkaran House, Vandanam Muri, Punnapra Village, Punnapra P.O, Alappuzha District

By Adv.Sri.S.Sulfikar

Respondent/ :  
Counter Petitioner

Antony.D, S/o Devassia, Nadappura House, Kanjippadam Muri, Ambalappuzha South Village, Ambalappuzha Taluk

By Adv.Sri.K.B.Viswanathan Pillai

This petition is filed by the petitioner, who are the 2<sup>nd</sup> appellant in the above matter, to stay further execution proceedings in E.P.No.14/2025 in O.S.No.1043/2016 on the file of the Court of Principal Munsiff, Alappuzha till the disposal of the appeal

This petition having been finally heard on 17.11.2025 and the court passed the following:-

**ORDER**

This petition is filed by the petitioner, who are the 2<sup>nd</sup> appellant in the above matter, to stay further execution proceedings in E.P.No.14/2025 in O.S.No.1043/2016 on the file of the Court of Principal Munsiff, Alappuzha till the disposal of the appeal. The petitioner herein is the daughter of petitioner/defendant in R.P.I.A.No.122/2020 in the above suit.

2. The petitioner in the affidavit filed in support of the petition stated that the suit is one for recovery of money. The mother of the petitioner failed to file written statement on time and hence the trial court passed an *ex parte* decree against her and consequently, she filed R.P.I.A.No.122/2020 in that suit for setting the *ex parte* decree and to restore the suit, but the same was dismissed by the trial court, by order dated 02.09.2021. The petitioner contended that her mother was died on 25.09.2022 due to cancer after prolonged treatment from 2021. Moreover, during this period due to COVID-19 broke out lock down was imposed and so, her mother could not go out of the house other than hospitals. All these times, she and her younger sister are minor students and have not aware of the case details and their father was abroad. They got knowledge about the above case only when they received a notice in the above Execution Petition and thereafter they contacted their mother's counsel. At that time only, he knew that the mother was no more. The case files were misplaced from the advocate office and after having a long search, the case file and the connected records were found, but it took two months. Immediately after getting the case file and connected records, those were handed over to the present counsel and this appeal is filed. For filing the above appeal, it took 1454 days. The findings of the trial court are not legally sustainable and is liable to be set aside. If the decree is executed during the pendency of the appeal, it will cause irreparable loss and hardships to the petitioner. Therefore, it is highly necessary to stay the further proceedings in Execution Petition filed in the above suit, till the disposal of the appeal and

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hence the petition.

3. Heard the petitioner's counsel.

4. Perusal of the available records would reveal that the petitioner has an arguable case in the matter. Considering the facts and circumstances of the case, for the interest of justice, stay is to be granted to further proceedings in the Execution Petition No.14/2025 in O.S.No.1043/2016 on the file of the Court of Principal Munsiff, Alappuzha upto 24.11.2025.

In the result, this petition is allowed as above.

*Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 17<sup>th</sup> day of November, 2025.*

**Sd/-**  
**K.K.BALAKRISHNAN**  
**DISTRICT JUDGE**

**APPENDIX: Nil**

**Id/-**  
**DISTRICT JUDGE**