

IN THE COURT OF DISTRICT JUDGE, ERNAKULAM DIVISION

Present:-

Smt. Honey M. Varghese, District Judge

Tuesday, the 2nd day of April, 2024/13th Chaithra, 1946

I.A.No.1 of 2024 in A.S.No.36 of 2024

Petitioners/Appellants:-

1. Rathnam T G, W/o.Late Balan, aged 58 years, Madiyathazham House, House No. XI/285, Telephone Exchange Road, South Chittoor, Cochin-682027.
2. Rajesh, S/o.Late Balan, aged 40 years, Madiyathazham House, House No. XI/285, Telephone Exchange Road, South Chittoor, Cochin-682027.
3. Ratheesh, S/o.Late Balan, aged 38 years, Madiyathazham House, House No. XI/285, Telephone Exchange Road, South Chittoor, Cochin-682027.

By Advs.R.Divakaran, Binoy Georg and Krishnendhu V.B

Respondents/Respondents:-

1. Krishnan M G, S/o.Late Govindan, aged 76 years, Madiyathazham House, Telephone Exchange Road, South Chittoor, Cochin-682027(Died)
2. Susheela Devi, D/o.Late Krishnan, aged 50 years, W/o Bhasi, Venattu House, Temple Road, Edayakkunnam, South Chittoor, Cochin-682027.
3. Raji, D/o.Late Krishnan M.G, aged 47 years, Madiyathazham House, Telephone Exchange Road, South Chittoor, Cochin- 682027.
4. Suresh, S/o.Late Krishnan M.G, aged 45 years, Madiyathazham House, Telephone Exchange Road, South Chittoor, Cochin-682027

This petition is filed under Order 41 Rule 5 of the Code of Civil Procedure, praying this court to stay the execution of the judgment and decree in O.S No.1207/2016 dated 28.11.2023 of the Principal Munsiff Court, Ernakulam, till the disposal of this appeal.

This petition coming on for hearing on 02.04.2024 and the court on the

same day, passed the following:-

ORDER

This petition is filed to stay the execution and operation of the judgment and decree dated 28.11.23 in O.S 1207/2016 passed by the Prl.Munsiff court, Ernakulam till the disposal of the appeal.

2. Counsel for the petitioner submitted that there is every chance to allow the appeal in his favour and if stay is not granted they will be put to irreparable injury, loss and hardship.

3. I have perused the appeal memorandum and the averments in the petition. So many grounds are mentioned in the appeal to challenge the impugned judgment and decree and if stay is not granted they will be put to irreparable injury, loss and hardship. Hence interim stay is granted to stay the execution and operation of the judgment and decree dated 28.11.23 in O.S 1207/2016 passed by the Prl.Munsiff court, Ernakulam till 20/06/2024.

Issue notice to respondents. For return of notice to 20.06.2024.

Pronounced by me in open court on this the 2nd day of April, 2024.

Sd/-

Honey M.Varghese
District Judge

sk/
comp. By:

I.A.No.1 of 2024 in A.S.No.36 of 2024
Order dated 02.04.2024