

**IN THE COURT OF CIVIL JUDGE (SENIOR DIVISION),
PERUMBAVOOR**

Present : Smt. Annie Varghese, Civil Judge (Senior Division)
Wednesday, the 23rd day of July 2025/01st Sravana 1947

I.A. No.1/2025 in A.S.No.12/2025

Petitioners/Appellants :-

1. Alias, S/o Sleebadas, Kilithattil House, Allapra P.O, Vengola Kara, Vengola Village.
2. Paul, S/o Sleebadas, Kilithattil House, Allapra P.O, Vengola Kara, Vengola Village.

By Advs. P.T.Geeverghese, Rohan Roy, Praju K.Paul & Sanjay S.

Respondents/Respondents :-

1. Sleebadas, S/o Varkey, Kilithattil House, Allapra P.O, Vengola Kara, Vengola Village (**Died**).
2. Omana, W/o George, Kilithattil House, Allapra P.O, Vengola Kara, Vengola Village.
3. Jino Mary, D/o George, Kilithattil House, Allapra P.O, Vengola Kara, Vengola Village.
4. Jennatt, D/o George, Kilithattil House, Allapra P.O, Vengola Kara, Vengola Village.
5. Jeethu, D/o George, Kilithattil House, Allapra P.O, Vengola Kara, Vengola Village.

R1 Died

R2, 3 & 4 By Advs. K.M.Alias & P.V.Shiji

R5 No vakalath

This petition is filed under Order 41 Rule 5 of the Code of Civil Procedure to pass an order to stay the Final Decree proceedings (I.A.No.13/2024) pending before the Munsiff's Court, Perumbavoor till the disposal of appeal. The petition is coming on for hearing on 23.07.2025 in the presence of the above counsel and the court on the same day passed the following :-

ORDER

Petitioners represented. Respondents No.2 to 4 represented. Respondent No.5 has been set ex-parte. Delay condonation petition filed as I.A.2/2025 has been allowed and appeal is admitted. The appeal is filed challenging the allotment of shares. In the appeal, this court has to consider whether allotment was made as per law. If a final decree is passed based on the judgment and decree under appeal, any change in allotment, if any, made by this court would render the final decree invalid. Hence it is only reasonable to stay the passing of a final decree. It is clarified that the proceedings in the final decree application is not stayed but only the drawing up of a final decree is stayed. Accordingly, the drawing up of a final decree in I.A.13/2024 pending before Munsiff's Court, Perumbavoor pursuant to the judgment and decree dated 20.07.2024 in O.S.20/2019 on the file of Munsiff's Court, Perumbavoor, is stayed till the disposal of the appeal. Communicate the order to the trial court.

Pronounced in the open court on this the 23rd day of July 2025.

Sd/-
Annie Varghese
Civil Judge (Senior Division)

Appendix : Nil

Sd/-
Civil Judge (Senior Division)

stn

Compd by. smg

I.A. No.1/2025 in

A.S.No.12/2025

Order

Dtd. 23.07.2025