

IN THE COURT OF THE DISTRICT JUDGE, KASARAGOD

Present:-Sri.K.K.Balakrishnan, District Judge

Saturday, the 17th day of February 2024

Interlocutory Application No.2 OF 2024 in A.S. No.05/2024

Between:-

M. Devaki, aged 68 years
W/o. Narayanan Namboodiri
R/at. Mangalassry Illam, Pattena
P.O.Puthariyadukkam, Perole Village
Hosdurg Taluk, Kasaragod District

Petitioner/
Appellant

AND

Madhusoodanan.M, aged 43 years
S/o.Narayanan Namboodiri,
R/at. Mangalassry Illam,
Suvarnavally, Pattena,
P.O.Puthariyadukkam, Perole Village,
Hosdurg Taluk, Kasaragod District

Respondent/
Respondent

Application filed under Order XLI Rule 5 and Section 151 of Code of Civil Procedure by the petitioner/appellant, who is the defendant in the suit, OS.22/2022 on the file of the Court of Subordinate Judge, Hosdurg.

Petition presented on : 31.01.2024

Court Fee paid : ₹5/-

This petition coming on this day for hearing before me in the presence of Sri.P.Padmanabhan and Sri.P.Venugopalan, Advocates for Petitioner; Sri.M.Purushothaman, Advocate for Respondent; the Court passed the following:-

ORDER

This petition is filed under Order XLI Rule 5 and Section 151 of Code of Civil Procedure by the petitioner/appellant, who is the defendant in the suit, OS.22/2022 on the file of the Court of Subordinate Judge, Hosdurg.

2. This petition is filed to pass an order to stay the execution of the decree in the above suit dated 28.11.2023 till the disposal of the appeal.

3. The petitioner contended that the judgment of the trial court is erroneous, false, against weight of evidence and all probabilities of natural justice. He has advised of fair chance of success in the appeal. Therefore, the petitioner prayed to stay the execution of the decree under challenge, otherwise appeal will become infructuous and substantial loss would be caused to the petitioner. Hence this petition.

Heard the petitioner. Considering the facts and circumstances of the case, stay granted for execution of the decree dated 28.11.2023 in OS.22/2022 until further orders.

Dictated to the Confidential Assistant, typed by her corrected and pronounced by me in open Court, this the 17th day of February, 2024.

Sd/-

**DISTRICT JUDGE,
KASARAGOD.**

APPENDIX OF EVIDENCE :- NIL

Sd/-

**DISTRICT JUDGE
KASARAGOD.**

//True Copy//

Typed by : Reshmi.P
Compared by : Sujatha.K

Fair/ Copy of Order in
IA.No.2/2024 in
AS No.5/2024
Dated : 17.02.2024