

IN THE COURT OF THE DISTRICT JUDGE OF THRISSUR

Present:

Sri. P.P. Saidalavi., District Judge.

Tuesday, 25th day of February, 2025/ 6th Phalghunam 1946.

IA.02/2024 in AS.143/2024

Petitioners/Appellants:-

- 1 Johnson, Aged 51 years,
S/o Paulose, Cheruvathur House,
Eranellur Village, Perunannu Desom,
Kunnamkulam Taluk, Pin. 680 501.
- 2 Jincy Johnson, Aged 44 years,
W/o Johnson, Cheruvathur House,
Eranellur Village, Perunannu Desom,
Kunnamkulam Taluk, Pin. 680 501.

By Adv. K. Arunkumar Kaimal & Shani K.Krishnan

Respondent:-

Jacob, Aged 59 years, S/o Tharakan Thomu,
Eranellur Village, Mazhuvanchery Desom,
Kunnamkulam Taluk, Pin. 680 501.

By Adv. P. Sunil

This petition is coming on this day for hearing, the Court passed the following:-

ORDER

This is a petition under Order 41 Rule 5 of Civil Procedure Code.

2. The present appeal is filed by the appellants/defendants in O.S.290/2018 of Munsiff Court, Wadakkanchery against judgment and decree in O.S.290/2018 dated 30.08.2024. It is contented that the

impugned judgment and decree is against the fact and circumstances of the case. The learned Munsiff failed to appreciate the evidence in correct perspective.

3. I have heard the learned counsel for the appellants and perused the impugned judgment, memorandum of appeal and present petition. At this stage *prima facie* I am satisfied with the grounds mentioned in the memorandum of appeal. Hence I found good grounds to argue in appeal. Therefore I am of the view that if the impugned decree is not stayed if the said decree is executed it may cause harm to the petitioners and the appeal itself will become infructuous. Hence for the time being there will be a stay for the operation of the impugned judgment and decree dated 30.08.2024 in O.S.290/2018 of Munsiff Court, Wadakkanchery for a period of 3 months. In the midst of his submission the learned counsel for the petitioner submitted that, the petitioner already furnished sufficient security for the decree amount. In view of the same no further security is ordered under Order 41 Rule 5 (3). Issue notice to the respondent call on 22.05.2025.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court on this the 25th day of February, 2025).

Sd/-

**P. P. SAIDALAVI.,
DISTRICT JUDGE.**

By Order,

/true copy/

Sheristadar

copied by:pbs
compared by : jg