

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, THRISSUR

Present:

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

Saturday, 20th day of December, 2025/17th Bhadram, 1947 S.E.

I.A. 01/2025 in AS.188/2025

Petitioner/ Appellant:-

Chacko, aged 55 years,
S/o Kuruthukulangara Vadakoott Kochappu,
Karamuck Village and desom, Thrissur Taluk, Pin-680 613.
By Adv. Jophy Francis V.

Respondents:-

1. St. Mary's Forane Church, Kandassamkadavu
rep. by Vicar Fr. Wilson Pidiyath, aged 52 years,
S/o Pidiyath Devassy, Kandassamkadavu, Thrissur.
2. St. Mary's Forane Church, Kandassamkadavu,
rep. by Trustee Joju, aged 58 years, S/o Vareed,
Theckayanath Pandaravalappil house, Karamuck village, Thrissur.
3. St. Mary's Forane Church, Kandassamkadavu,
rep. by Trustee Sunny, aged 58 years,
S/o Vadakkethala Joseph, Karamuck village, Thrissur.
4. St. Mary's Forane Church, Kandassamkadavu,
rep. by Trustee John, aged 63 years,
S/o Chirayath Ouseph, Padiyam Village, Thrissur.
5. St. Mary's Forane Church, Kandassamkadavu,
rep. by Trustee Arun, aged 41 years, S/o Arimboor
Varangan Antony, Karamuck village, Thrissur.

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 with a prayer to stay the operation of the judgment and decree dated 26-10-2024 in O.S.2408/2021 of Munsiff Court, Thrissur. The suit was for recovery of arrears and damages for use and occupation. The defendant resisted the suit by filing written statement. After trial, on 26-10-2024 the learned Munsiff decreed the

suit.

2. Aggrieved by the decree and judgment, the defendant filed the present appeal. *Inter alia* it is contended that the judgment and decree of the trial court is against the facts and circumstances of the case, the trial court failed to appreciate the pleadings and evidence in a correct perspective. Therefore for the various grounds urged in the memorandum of appeal and other grounds urged at the time of hearing the appellant/petitioner is on bona fide belief that there is high possibility to reverse the findings of the learned Munsiff. Hence along with the appeal the appellant filed the present petition to stay the operation of the impugned judgment and decree in the suit till the disposal of the appeal.

3. Heard counsel for the petitioner and perused the impugned judgment and the memorandum of appeal.

4. At this stage *prima facie* I am satisfied that there are good case to argue in appeal. That be so if the impugned decree is executed, that will detrimentally affect the interest of the appellant/petitioner. The very appeal itself may become infructuous. Therefore for the time being the operation of the impugned judgment and decree dated 26-10-2024 in O.S.2408/2021 of Munsiff Court, Thrissur is hereby stayed for a period of Three months on his depositing 25% of the decree amount before the trial court as security u/s 41(5) (3) of Civil Procedure Code within 45 days. Issue notice to the respondents-28-02-2026.

(Dictated to the Personal Assistant, transcribed by her, corrected by me and pronounced in open court on this the 20th day of December, 2025).

sd/-

P. P. SAIDALAVI,
PRINCIPAL DISTRICT JUDGE.

By Order,

Sheristadar

/true copy/

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