

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,  
IRINJALAKUDA**  
**Present:- Sri.Vinod Kumar.N., Additional District Judge.**  
**Thursday, 26<sup>th</sup> March 2026/ 05<sup>th</sup> Chhaitra, 1948**

**I.A.No.1/2025 in A.S.175/2025**

**Appellants:-**

1. Manoharan Karyatt, aged 60 years,  
S/o. Padikkaparambil Achuthan Nair, Mupliyam Village &  
Desom, Chalakudy Taluk, Pin – 680 312.
2. Jaya, aged 53 years, W/o. Padikkaparambil Achuthan Nair,  
Mupliyam Village & Desom, Chalakudy Taluk, Pin – 680 312.

By Adv. K.B. Sunil Kumar

**Respondent:-**

Sunil Kumar K.V., aged 58 years,  
S/o. Karyatt Velayudhan Nair, Amballur Village,  
Varkkara Desom & P.O., Mukundapuram Taluk,  
Pin – 680 303.

By Advs.K.Gopinadhan, Manju K.R, Harikrishnan K.,  
Induchoodan P. & Sreekumar T.J

This petition has come up before me, for hearing on this day the court passed the following :-

**ORDER**

The above petition is filed to stay the operation of the decree and judgment in O.S.246/2017 of Subordinate Judge's Court, Irinjalakuda till the disposal of the appeal.

2. According to the petitioner, the appeal is filed against the decree and judgment in OS.246/2017 on the file of Subordinate Judge's Court, Irinjalakuda. According to the petitioners, despite the contention raised in the written statement and the plea that the claim was barred by limitation, the trial court decreed the suit. The impugned decree directs the payment of the amount with 12% interest from 30/08/2017 and if the execution of the decree is not stayed, irreparable hardship and loss will be caused to him. Therefore, it is necessary to stay the operation of the decree and judgment till the disposal of appeal.

3. Notice to respondents was served. The respondent filed counter statement contending that the suit was partly decreed and if the petition is allowed irreparable injury will be caused to him.

4. Heard both sides.

5. According to the petitioner/appellant, despite the contention raised in the written statement and the plea that the claim was barred by limitation, the trial court decreed the suit. The petitioner has got every chance of success in the appeal. Whereas the contention of the respondent is that if the petition is allowed irreparable injury will be caused to him. The suit is one for realisation of money. As per the decree, the defendants are directed to pay the plaintiff a sum of ₹7,27,000/- together with interest at the rate of 6% per annum from the date of the suit till realisation. Considering the entire facts and circumstance, I am of the view that the execution of the decree can be stayed on furnishing sufficient security for due performance of the decree.

6. Hence, the execution of the decree in O.S.246/2017 of the Subordinate Judge's Court, Irinjalakuda is stayed till the disposal of the appeal on condition to deposit the decree amount or to furnish sufficient security as contemplated under Subrule (3)(c) of Rule 5 of Order XLI of CPC within a period of one month, to the satisfaction of the trial court for due performance of the decree.

In the result, petition is allowed accordingly.

(Dictated to the Confidential Asst., transcribed by her corrected by me and pronounced in open court, this the 26<sup>th</sup> day of March, 2026).

Sd/-

Vinod Kumar N.  
Additional District Judge  
Irinjalakuda

Id/-

Vinod Kumar N.  
Additional District Judge  
Irinjalakuda  
By order

APPENDIX – Nil

/True copy /

Sheristadar