

ORDER BELOW EXH.5 IN
Civil MA NO.46 OF 2025
(Santaram and others Vs Anita)

1. The applicants have filed this application for stay to the execution and operation of decree under the appeal. In short, it is the contentions of applicants that, they have preferred an appeal against the judgment and decree dated 13.04.2023 passed by learned Civil Judge Junior Division, Ghansavangi in R.C.S.No.89/2019. In view of points of facts and law involved in the case, they have strong hopes of success. The court below has passed decree ex-parte against the applicants. If the decree under the appeal is not stayed, applicants will suffer irreparable loss and appeal will turn in fructuous. At present delay condonation application is pending.

2. Respondent duly served by notice by speed post wide Exh.11 and 12, but after fixed date in the matter. Therefore, it can not be said that notice is duly served on respondent. However, considering the urgency in the matter I heard Ld. Adv. For applicants. Peruse the letter issued by the revenue authorities, which shows that they are going to take possession of the suit property as per decree of trial court on dated 07.07.2026.

3. I Perused an application for stay. Considering the order of learned trial court, as well as considering the submissions of Ld. Adv for the applicants, I am of the opinion that, if stay is not granted as prayed, applicants would suffer an irreparable loss. Therefore, it would be just and necessary in the interest of justice to stay the execution and operation of decree under the appeal till appearance of respondent in this proceeding. Hence, I pass the following order.

ORDER

- i. Application Exh.5 is hereby allowed.
- ii. The execution and operation of decree dated 13.04.2023 passed by learned Civil Judge Junior Division, Ghansavangi in R.C.S.No.89/2019 is stayed till appearance of respondent in this proceeding.
- iii. Applicants shall take necessary steps against respondent to secure her presence in this proceeding.
- iv. Inform to learned trial court accordingly.

Ambad.
Date :- 04.07.2026

sd/-
(M.J.J. Baig)
District Judge -1, Ambad.