

RSA 203/2013

BEFORE

HON'BLE MR. JUSTICE N.CHAUDHURY

Ms. M. Deuri, learned counsel for the petitioner. None appears for the opposite parties although the names of learned counsel have been shown in the cause list.

This is an application under Order XLI Rule 5 of the Code of Civil Procedure praying for setting aside the operation of the impugned order dated 27.6.2013 passed by the learned District Judge in Title Appeal 1/2013 dismissing the said appeal by refusing to condone delay in regard to judgment dated 19.5.2012 passed by the learned Civil Judge, Morigaon in Title Appeal No. 4/2010. The connected second appeal was admitted on 20.9.2013 and records were called for.

Since the second appeal had already been admitted for decision on merit, the learned counsel for the petitioner urges that unless the operation of the judgments and decrees are set aside during the pendency of the second appeal, serious prejudice will be caused to the appellant/petitioner.

Considering the facts and circumstances of the case, I feel inclined to allow this application. Application is allowed.

During the pendency of the second appeal the operation of the impugned judgments and decrees referred to above shall remain stayed.

Misc. Case disposed of.