

**ORDER BELOW EXH.1, 113 & 114 IN
EXECUTION PETITION(R) NO. 38/2014**

1. Heard. L.d Advocate Shri M.A. Thakkar for judgement-creditor and Ld. Advocate Shri H. J. Thakkar for judgment-debtors. Through pursis at Exh.112, it has been declared by Ld. Advocates for both the sides that Special Civil Application No. 618/2021 and 1295/2026 have been pending in the Hon'ble High Court of Gujarat which has been recorded by my Ld. Predecessor Judge on 07/05/2023. Thenafter, the matter has been transferred to this Court. Again similar kind of adjournment application at Exh. 113 has been given on 15/06/2026 by Ld. Advocate of judgment-creditor but on absence of other side, the application was kept for reply and hearing on next date i.e. on 16/06/2026. On 16/06/2026 Ld. Advocate for judgment-debtors Shri H.J. Thakkar has appeared and made an endorsement that they have filed the C.R.A. being no. 618/2021 in the Hon'ble High Court of Gujarat and there is no stay in the present execution petition. Similarly, pursis vide Exh.114 pursis has been passed by Ld. Advocate for judgment-creditor on 16/06/2026 declaring that no stay has been given in Special Civil Application being no. 1295/2026 regarding present execution petition.

As per **Section 47 of C.P.C., Questions to be determined by the Court executing decree** – (1) All question arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing the decree and not by a seperate suit.

Both Ld. Advocates for the respective parties have made the oral submission that all the applications preferred by both the parties in the present execution petition, have been decided, now nothing remains to decide as far as this executing court is concerned.

Having thus regard to the facts and circumstances of the case, the present execution petition is of the year 2014, i.e very old. As per the mandate of Hon'ble Apex Court in the case of **PERIYAMMAL(DEAD) THROUGH LRS. & ORS. Versus V. RAJAMANI & ANR. ETC. Reported in 2025 Livelaw(SC)293**, present execution petition does not survive, accordingly the present execution petition stands disposed of. However the judgment creditor is at liberty to file a fresh execution petition as per the outcome of appeals filed by both the parties. With no order as to costs. Order accordingly.

Signed and pronounced in the open court today on 16th June, 2026.

Date: 16/06/2026
Place : ANAND.

P.C. Vazir
Eng. Steno.

(Krish Shrichand Makhija)
Principal Senior Civil Judge,
ANAND.
(Judge U.I. Code GJ 00668)