

Order below at Exh.1

in

Execution Petition No. 29 of 2025

1. The present Execution Petition has been filed by the Decree Holder (Applicant) for execution of the award passed in **M.A.C.P. No. 93 of 2018, dated 12.04.2019** against the Judgment Debtor (Opponent).
2. On perusal of the record, it appears that initially notice was issued to the opponent, which came to be duly served. Thereafter, in the course of execution proceedings, a warrant of attachment of movable property was issued against the Judgment Debtor. However, the said warrant has been returned unexecuted with a report that the Judgment Debtor was not found at the given address.
3. It further appears from the Rojnama that the matter has been pending since **12.02.2026** for furnishing the correct and updated address of the Judgment Debtor. Despite sufficient opportunities granted by this Court, the applicant has failed to provide the present and correct address of the Judgment Debtor.
4. Moreover, it is observed that although the learned Advocate for the applicant is present today, no effective steps have been taken to proceed with the execution petition, and the applicant has failed to furnish the correct and updated address of the Judgment Debtor despite sufficient opportunities.
5. The aforesaid conduct clearly indicates lack of due diligence on the part of the applicant in prosecuting the present execution proceedings. In absence of the correct address of the Judgment

Debtor, no effective steps can be taken for execution of the decree/award.

6. In view of the above circumstances, and considering the provisions of **Order XXI, Rule 105(2) of the Code of Civil Procedure**, this Court is of the opinion that the present Execution Petition deserves to be dismissed for default.
7. No order as to costs.

ORDERED ACCORDINGLY:

Pronounced in the open court today.

Place: Modasa.

Date: 30.03.2026

[Sunil Manharlal Kamdar]

Presiding Officer

M.A.C.T. (Auxi.)

Modasa @ Arvalli

Code No.GJ-00984.

MLR