

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE, SU-
TRAPADA**

EXECUTION PETITION NO. 30 OF 2025

PGVCL, Sutrapada

... Decree Holder

Versus

Devayatbhai Ramsibhai Zakhotra.

... Judgment Debtor

ORDER BELOW EXHIBIT – 1

Ld. Advocate for the Decree Holder: Mr./Mrs./Miss B. P. Dabhi

Ld. Advocate for the Judgment Debtor: None

1. The present Execution Petition has been preferred by the Decree Holder for execution of the decree against the Judgment Debtor.
2. On perusal of the record, it appears that the Decree Holder intends to proceed against the **movable/immovable properties of the Judgment Debtor** for satisfaction of the decree. However, the Decree Holder has not furnished a proper and complete schedule/particulars of the movable/immovable properties against which execution is sought.
3. The record further reveals that the matter has been pending **since 23-07-2025 for furnishing the schedule/necessary particulars of the movable/immovable properties of the Judgment Debtor.** Despite sufficient lapse of time and opportunities, the Decree Holder has failed to furnish the requi-

site schedule and particulars so as to enable this Court to proceed effectively with execution of the decree.

4. It is well settled that an Executing Court is required to make every endeavour to ensure effective enforcement of a decree. At the same time, the Decree Holder, who invokes the execution jurisdiction of the Court, is required to take necessary and effective steps and furnish such particulars as may be required for adopting the mode of execution sought by him.
5. Where execution is sought against the movable or immovable properties of the Judgment Debtor, sufficient particulars of such properties are necessary so that appropriate process can effectively be issued and executed. In the absence of the requisite schedule and particulars, the Court machinery cannot be expected to independently discover the properties of the Judgment Debtor against which the Decree Holder intends to proceed.
6. This Court is also conscious that procedural defects which are capable of being cured should ordinarily not defeat execution of a lawful decree. Order XXI Rule 17 of the Code of Civil Procedure, 1908 contemplates scrutiny of an execution application and affords an opportunity for removal of defects. However, such opportunity cannot be treated as unlimited, particularly when the Decree Holder fails to take the requisite steps for a prolonged period.
7. At this stage, reference deserves to be made to the decision of the Hon'ble Supreme Court in **Periyammal (Dead) Through LRs & Ors. v. V. Rajamani & Anr. Etc., 2025 INSC 329 : 2025 SCC OnLine SC 507**, decided on 06-03-2025. The Hon'ble Supreme Court expressed serious concern regarding

prolonged pendency and delay in execution proceedings and reiterated the necessity of effective and expeditious execution of decrees.

8. In paragraph 75 of the aforesaid judgment, the Hon'ble Supreme Court directed the High Courts across the country to ensure through appropriate administrative directions that pending execution petitions in the District Judiciary are **decided and disposed of within a period of six months**, failing which the concerned Presiding Officer would be answerable on the administrative side. The said direction emphasizes that execution proceedings cannot be permitted to remain pending indefinitely and that Executing Courts are required to ensure their timely and effective disposal.
9. The principle underlying the aforesaid decision is that obtaining a decree should not become merely a paper victory and that unnecessary delay at the execution stage frustrates the very object of adjudication. At the same time, expeditious execution necessarily requires the Decree Holder to diligently prosecute the proceedings and take the steps required for the particular mode of execution invoked.
10. Applying the aforesaid principles to the facts of the present case, the record shows that the Decree Holder has not furnished the schedule/necessary particulars of the **movable/im-movable properties of the Judgment Debtor, since 23-07-2025**. Thus, despite the passage of considerable time, the basic step necessary for proceeding against the properties of the Judgment Debtor has not been taken.

11. In the absence of such schedule and necessary particulars, no effective process for attachment or other appropriate mode of execution against the properties can presently be undertaken. Keeping the Execution Petition pending merely awaiting steps from the Decree Holder, despite sufficient opportunity and prolonged inaction, would result in indefinite pendency and would also be inconsistent with the object of expeditious disposal of execution proceedings emphasized by the Hon'ble Supreme Court in **Periyammal (supra)**.
12. Therefore, the continued failure of the Decree Holder to furnish the requisite schedule/particulars since 23-07-2025 cannot now be treated merely as an insignificant procedural omission. It amounts to failure to take the effective steps necessary for prosecution of the present Execution Petition.
13. In view of the above discussion, the prolonged failure of the Decree Holder to furnish the schedule/necessary particulars of the movable/immovable properties, coupled with the requirement that execution proceedings should not be kept pending indefinitely, leads this Court to the conclusion that no useful purpose would be served by keeping the present Execution Petition pending.
14. Consequently, the present Execution Petition deserves to be dismissed for want of prosecution and failure to take necessary steps. However, such dismissal shall not be construed as satisfaction or extinguishment of the decree, and the rights and remedies of the Decree Holder, if otherwise available under law and limitation, shall remain unaffected.

ORDER

- 1. The present Execution Petition No. 30 of 2025 is hereby dismissed for want of prosecution and failure on the part of the Decree Holder to take necessary and effective steps for execution, particularly failure to furnish the schedule/necessary particulars of the movable/immovable properties of the Judgment Debtor since 23-07-2025, despite sufficient opportunity.**
- 2. It is clarified that dismissal of the present Execution Petition shall not amount to satisfaction or extinguishment of the decree and shall be subject to the rights and remedies of the Decree Holder, if any, available in accordance with law and limitation.**
- 3. Any pending process/warrant, if any, shall stand recalled/cancelled.**
- 4. No order as to costs.**

Pronounced in open Court on this 31th day of August, 2026.

Date- 31-08-2026

(A R BORICHA)

Place-Sutrapada

PCJ & JMFC,

Sutrapada.

JUDGE CODE NO.GJ00978