

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE,
SUTRAPADA**

EXECUTION PETITION NO. 89 OF 2025

Decree Holder: Paschim Gujarat Vij Company Limited
(PGVCL)

Versus

Judgment Debtor: SAVITABEN NARANBHAI PARMAR

Ld. Adv. for the DH: M G GOHEL

Ld. Adv. for the JD: None

ORDER BELOW EXHIBIT-1

1. The present Execution Petition has been filed by the Decree Holder for execution of the decree passed in its favour. On perusal of the record and proceedings, it appears that **since 05/01/2026, the matter has been repeatedly adjourned for verification/clarification of the correct name of the Judgment Debtor and for taking necessary consequential steps for further execution of the decree.** Despite sufficient opportunities having been granted, the Decree Holder has failed to verify/clarify the correct name of the Judgment Debtor and to take the requisite steps. Consequently, no effective further process could be undertaken for proceeding with the execution of the decree.
2. Today also, when the matter is called out, neither the Decree Holder nor its Learned Advocate is present. No application, report or other representation has been submitted on behalf of the Decree Holder either

verifying/clarifying the correct name of the Judgment Debtor, seeking further time for the said purpose, or otherwise showing readiness to take the necessary steps for further prosecution of the present Execution Petition.

3. Execution proceedings are intended to enable a successful litigant to obtain the fruits of the decree. At the same time, when the Decree Holder invokes the execution jurisdiction of the Court, it is incumbent upon the Decree Holder to take the necessary procedural steps required for effective prosecution of the execution proceedings. Where further process cannot be undertaken for want of necessary particulars/verification regarding the correct name of the Judgment Debtor, the execution proceedings cannot be permitted to remain pending indefinitely despite repeated opportunities being granted to the Decree Holder.
4. Reference may also be made to the decision of the Hon'ble Supreme Court of India in **Periyammal (Dead) Through LR. & Ors. v. V. Rajamani & Anr. Etc., 2025 INSC 329 : 2025 SCC OnLine SC 507, decided on 06.03.2025**, wherein the Hon'ble Supreme Court, while dealing with delay in execution proceedings, reiterated the directions issued in **Rahul S. Shah v. Jinendra Kumar Gandhi, (2021) 6 SCC 418** regarding expeditious completion of execution proceedings. The Hon'ble Supreme Court has emphasized that the Executing Court must endeavour to dispose of execution proceedings within six months from the date of filing, which period may be extended only by recording reasons in writing for such delay. The said direction emphasizes the need for expeditious progress and

disposal of execution proceedings and does not, by itself, provide for automatic dismissal merely on expiry of six months.

5. In the present case, the record shows that **since 05/01/2026, the matter has remained pending for verification/clarification of the correct name of the Judgment Debtor.** Despite sufficient opportunities and passage of considerable time, the Decree Holder has not carried out the requisite verification/clarification and has not taken the necessary consequential steps. As a result, effective further process in the execution proceedings cannot be undertaken. Even today, neither the Decree Holder nor its Learned Advocate is present, nor is there any application, report or representation on behalf of the Decree Holder explaining the default or showing readiness to take the requisite steps.
6. Thus, considering the record as a whole, the continued failure of the Decree Holder to verify/clarify the correct name of the Judgment Debtor despite sufficient opportunities, the resultant inability to proceed effectively with the execution process, and the absence of the Decree Holder as well as its Learned Advocate today without any application or representation, it appears that the Decree Holder is not presently prosecuting the present Execution Petition with due diligence. No useful purpose would therefore be served by keeping the present Execution Petition pending indefinitely merely awaiting necessary steps from the Decree Holder.

Hence, the following order is passed:

ORDER

1. The present Execution Petition No. 89 of 2025 is hereby dismissed for want of prosecution and for failure on the part of the Decree Holder to take necessary steps for further execution of the decree, particularly for failure to verify/clarify the correct name of the Judgment Debtor despite sufficient opportunities.
2. It is clarified that the present disposal is for want of prosecution/default in taking necessary steps and shall not be construed as recording satisfaction, adjustment or discharge of the decree.
3. The Execution Petition stands disposed of accordingly.
4. No order as to costs.

Pronounced in open Court on this **21st day of August, 2026.**

Date: 21/08/2026

Place: Sutrapada

(A R BORICHA)

Principal Civil Judge,

Sutrapada.

Judge Code: GJ00978