

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

EXECUTION PETITION NO. 90 OF 2025

Decree Holder: Paschim Gujarat Vij Company Limited
(PGVCL)

Versus

Judgment Debtor: Heirs of deceased Malabhai
Lakhamanbhai Barad

1.1-Haribhai Malabhai barad.

Ld. Adv. for the DH: Mr. 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 Date:10 /11/2025, the matter has been pending for production of the schedule/particulars of the property of the Judgment Debtor and for taking necessary steps for further execution of the decree. The record further reveals that despite sufficient opportunities having been available for a considerable period, the Decree Holder has neither produced the requisite schedule/particulars of the property nor taken any effective steps for proceeding further with the present execution petition.

2. Today also, when the matter is called out, neither the Decree Holder nor its Learned Advocate Mr. M. G. Gohel is present. No application, report or other representation is submitted on behalf of the Decree Holder seeking time or showing readiness to take necessary steps for further prosecution of the present execution petition. It is pertinent to note that execution proceedings are

intended to secure the fruits of the decree and cannot be permitted to remain pending indefinitely merely because the Decree Holder does not take the necessary steps for its execution. A Decree Holder, having invoked the execution jurisdiction of the Court, is required to diligently take such steps as are necessary for further execution of the decree. At this stage, reference is also required to be made to the decision of the Hon'ble Supreme Court of India 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, while dealing with the 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. More particularly, in Paragraph 75 of Periyammal (supra), the Hon'ble Supreme Court directed the High Courts to ensure through appropriate administrative directions that execution petitions pending before the District Judiciary are decided and disposed of within a period of six months, and further observed that in case of failure, the concerned Presiding Officer would be answerable to the High Court on its administrative side. Thus, the law laid down by the Hon'ble Supreme Court emphasizes that execution proceedings should be dealt with expeditiously and should not be allowed to remain pending unnecessarily. At the same time, expeditious disposal cannot be achieved unless the Decree Holder, at whose instance the execution proceedings have been initiated, takes the necessary and effective steps for execution of the decree.

3. In the present case, despite the matter having remained pending since Date: 10/11/2025 for production of the property

schedule/particulars and for taking further steps, the Decree Holder has failed to take the requisite steps. Even today, neither the Decree Holder nor its Learned Advocate is present and no report, application or representation has been submitted on its behalf. Therefore, considering the record as a whole, namely, the long pendency of the matter for taking necessary steps, failure to produce the requisite property schedule/particulars despite opportunity, absence of any effective steps for further execution, and absence of the Decree Holder as well as its Learned Advocate today without any report or representation, it clearly appears that the Decree Holder is not presently interested in prosecuting the present execution proceedings. In these circumstances, no useful purpose would be served by keeping the present Execution Petition pending indefinitely.

Hence, the following order is passed:

ORDER

1. The present Execution Petition No. 90 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.
2. It is clarified that the present disposal shall not be treated 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