

**::: ORDER BELOW EXHIBIT NO.1 IN MOTOR ACCIDENT CLAIM  
EXECUTION PETITION NO.45 of 2025. :::**

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1. It may be pertinent to note that present Execution Petition has been filed in the year 2025, i.e. 25/07/2025 for the purpose of issuing of Warrant of Attachment of movable Property for recovery of Rs.11,09,950/-.

2. It may be pertinent to note that Warrant of Attachment of movable Property was issued as per order passed below Ex.5. However, execution of Warrant was not carried out by applicant. Thereafter, again vide application at Exh.8 and 9, Warrant of Attachment of movable Property were issued on 02/02/2026 and 07/03/2026 respectively, however, applicant failed to execute said Warrant of Attachment of movable Property.

3. At this juncture, it is required to refer the direction of Hon'ble Apex Court as regard to dispose the Execution Petition within a period of Six months from date of filing, in case of **Rahul S. Shah Vs. Jinendra Kumar Gandhi & Ors., reported in (2021) 6 SCC 418**, wherein Hon'ble Apex Court has observed as follows ;

*“42. All Courts dealing with suits and execution proceedings shall mandatorily follow the below mentioned directions: -*

*2. The Executing Court must dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording*

*reasons in writing for such delay.”*

4. It is required to see that since 11 months, present Execution Petition has remained pending and applicant has failed to take necessary steps for execution of award. Hence, present Execution Petition is required to dispose of with liberty to file afresh, with this observation, following order is passed ;

**-: O R D E R :-**

- (1) The present Execution Petition stands dismissed for default on the part of the applicant herein.
- (2) Applicant is liberty to file afresh, within the time limit as framed by law.
- (3) No order as to cost.

This order is pronounced and signed in the open Tribunal on this 22<sup>nd</sup> day of June-2026 under my hand and seal.

Date: -22/06/2026  
Place: - Jamnagar.

**(Nehalkumar Rajeshbhai Joshi)**  
M.A.C.T. [Main] &  
Principal District Judge, Jamnagar  
Code No.: GJ01318