



Date of Registration	06/05/2025		
Date of disposal	08/04/2026		
Time Duration	YY	MM	DD
	00	11	03

4th Additional Senior Civil Judge, Gandhidham-Kachchh.

Execution Petition- R/26/2025

PGVCL,
ADIPUR SUB DIVISION,
ADIPUR-KUTCH.

..... DECREE HOLDER

VERSUS

SHREE MANBODHILAL GANGADHARAN
R/O. PLOT NO.52, SURVEY NO.6/5,
VILL.KIDANA,GANDHIDHAM-KACHCHH

.....JUDGMENT DEBTOR

ORDER BELOW EXHIBIT : 01

1.Perused the record of the case. Upon perusal of the record, it is evident that the matter is pending since 06/05/2025. The notice brought on record vide Ex.8 was issued upon the judgement debtor and the same has returned unserved on 12/08/2025 with endorsement that the judgement debtor was not found at the stated address. Since then, the matter is pending for the Decree holder to provide the new correct address of the Judgment debtor. But the Decree holder or his Ld. Advocate has not produced the correct new address of the Judgment debtor because of which the matter is pending

Malvika Purohit
4th Addl. Sr. Civil Judge, Gandhidham
UIC No.: GJ01351

upon the same stage and the Court could not proceed further in spite of granting 03 adjournments, the Decree holder is present today but has not submitted the new address of judgment debtor. Furthermore, the original RCS no.158/2022 of this Execution Petition has proceeded Ex-parte against the defendant/Judgment debtor with same address as provided in this Execution Petition. Since, 2022, the new address of the defendant / judgement debtor could not be traced out till date. The learned advocate of the decree holder, in spite of having knowledge regarding the aforesaid fact and been given reasonable opportunities, has not provided the new and correct address of the judgement debtor till date and therefore, the decree cannot be executed in absence of Judgment debtor.

2. Furthermore, the court considers the principles propounded in the judgments of Hon'ble Supreme Court of India in case of **RAHUL S SHAH Vs. JINENDRA KUMAR GANDHI & ORS., BHOJ RAJ GARG v. GOYAL EDUCATION AND WELFARE SOCIETY & ORS.**, and referring the said two judgments, Hon'ble Supreme Court has again propounded in judgment of **PERIYAMMAL (DEAD) THROUGH LRS & ORS. v. V. RAJAMANI & ANR. ETC.** in para 75 the importance of timely execution of decrees so as to prevent parties from frustrating decrees through collusive claims raised during execution proceedings. The Hon'ble Supreme Court issued directions to all High Courts to monitor and expedite the disposal of pending execution petitions, emphasizing the need to avoid delays in the execution of decrees. **The Court reiterated the need for expeditious disposal of execution proceedings, directing all High Courts to ensure pending execution petitions are decided within six months.** Thereafter, Hon'ble High Court of Gujarat vide Letter no. D/2917/2025 dated 01/04/2025 has issued circular regarding the compliance of the direction contained in para 75 of the

judgment dated 06/03/2025 in case of **PERIYAMMAL (DEAD) THROUGH LRS & ORS. v. V. RAJAMANI & ANR. ETC.**

3. Thus, the court considers the fact that the present Execution Petition was instituted on 06/05/2025 and is pending for service of process upon the judgment debtor from the past 11 months. Ample opportunities have been granted to the decree holder for producing the correct address of the judgment debtor but in spite of that till date the correct address has not been provided and because of which the Court is unable to proceed further. Hence, now the Court does not deem fit to further adjourn the matter for the same reason. In the light of the aforesaid reasons, the present Execution Petition is hereby disposed for want of new correct address of the judgment debtor.

Signed and pronounced in the open Court today on the 08th day of April, 2026.

Date: 08/04/2026.

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