

ORDER BELOW EXHIBIT – 1

Upon perused of the record and proceedings of the present matter, it transpires that the present execution petition is more than year old and is among the most targeted matters. That the decree holder has not furnished the judgment or final decree of the trial court bearing RCS No. 371/1997 till date for which the matter was kept on hearing. That only the judgment and decree of the criminal appeal bearing RCA No. 60/2003 as well as preliminary decree of RCS No. 371/1997 is on record. That inspite of the same considering the nature of the proceeding, notice was issued to the judgment debtors. That from the record, it transpires that judgment debtor no.1/1, 3, 4, 5/4, 6/5 appeared through their advocate and filed their written objections vide Exh-11. Thereafter rest of the judgment debtors also appeared through their advocate vide Exh-13. That thereafter instead of proceeding with the hearing of objections, the decree holder gave the adjournment application to bring the death certificate of judgment debtor no. 6/6 on 02/04/2026. That inspite of the same, the decree holder didn't bring on record the death certificate or proceeded with the objection hearing on 16/04/2026 so last date was granted to the decree holder on the same date vide Exh-15. That thereafter matter kept on adjourned on 27/04/2026, 11/05/2026, 18/05/2026. 01/06/2026, 20/06/2026 and 09/07/2026 but neither the decree holder appeared personally nor through any advocate nor filed any death certificate nor gave any report for proceeding on hearing of objection. Today as well despite upon repeated call outs neither decree holder nor anyone on his behalf appeared before this Court and no any report has been brought on record. Considering the aforesaid discussion, it seems that the decree holder is not interested in proceeding with the present matter. In view of the foregoing discussion, following order is hereby passed in the interest of justice :

ORDER

- 1.** Present execution petition is hereby dismissed for default.
- 2.** No order as to cost.

Signed and pronounced in the open Court on this 09th July, 2026.

Date: 09/07/2026

**(JINSY JOSEPH THARAYIL)
ADDITIONAL CIVIL JUDGE,
GODHRA**