

Regular Execution Petition No. 126/2022

Decree Holder :Dy Engineer, PGVCL City subdivision,
Dhrangadhra

Versus

Judgment Debtor : Rabari Ghanshyam Malabhai

ORDER BELOW EXHIBIT - 1

1. The present execution petition has been filed by the decree holder as on 21/06/2022 for execution of the decree passed in Regular Civil Suit No. 111/2020 for recovery of an amount of Rs. 18491.61

From the perusal of the record, it appears that, a distress warrant was issued as per the provisions of Order-21 of the Civil Procedure Code for attachment of movable property of the Judgment Debtor. The bailiff returned the distress warrant with an endorsement that the responsible officer/staff of decree holder company was not present with bailiff for prosecution of distress warrant.

From the record, it is appears that the matter has been listed on several occasions. However, despite repeated opportunities, the decree holder has failed to take necessary steps for the prosecution of the execution petition. On the last few dates also, there was no representation on behalf of the decree holder, and no application or explanation has been offered for non-appearance or further progress in the matter.

2. At this juncture it is necessary to refer the following judgment of Hon'ble Supreme Court of India regarding directions to expeditious disposal of execution petition

In the case of **Periyammal (Dead Thr. Lrs.) vs V. Rajamani And Anr. Etc** on 6 March, 2025 Honb'le Supreme Court has provided guidelines and directions for conduct of execution proceedings. The relevant portion of the said judgment is reproduced below:

" 74. The mandatory direction contained in Para 42.12 of Rahul S. Shah (supra) requiring the execution proceedings

to be completed within six months from the date of filing, has been reiterated by this Court in its order in Bhoj Raj Garg v. Goyal Education and Welfare Society & Ors., Special Leave Petition (C) Nos. 19654 of 2022."

3. From the record, It appears that, the decree holder is not interested in prosecuting the present execution petition. Accordingly, in view of the prolonged inaction and absence of interest on part of the decree holder, this Court is of the opinion that no useful purpose would be served by keeping the execution petition pending. Hence, the execution petition is dismissed for non-prosecution.

Pronounced in open court on this 6th day of March, 2026.

Date: 06/03/2026
Place: Dhrangadhra,

(Pramod C. Rohit)
2nd Addl. Sr. Civil Judge,
Dhrangadhra, (GJ01284)