

	<u>ORDER PASSED BELOW EXH. 01 IN R.D.NO.10/2016</u>
	(Passed on 11 th day of June, 2026)
	Jaitunbee Vs. Mehtab and others
	CNR NO. MHLA050009172025

1. The present execution petition is pending for execution of the decree passed in RCS No.144/2006, as modified by the Judgment and decree passed in RCA No.51/2015 and RCA No.52/2015.
2. By order dated 13.11.2025, this Court recorded that, the stay operating against the decree had come to an end upon disposal of appeals and directed the decree holder to take necessary steps for execution of the modified decree.
3. Thereafter, the matter was adjourned from time to time to taking appropriate steps by the parties. However, despite sufficient opportunities, the decree holder has failed to place on record the necessary particulars, amended executed scheduled or any other material required for execution of the modified decree. No effective steps have been taken by him for a considerable period.
4. The record further shows that, even after grant of repeated opportunities, the decree holder has remained inactive and has not shown readiness to proceed with execution. The execution proceedings cannot be kept pending indefinitely without any steps being taken by the decree holder.
5. It is settled law that, the decree holder is required to diligently prosecute execution proceedings. When the decree holder fails

to take necessary steps despite repeated opportunities granted by the Court, the execution petition is liable to be dismissed for want of prosecution.

6. In the present case, no sufficient cause is shown for the continued inaction on the part of the decree holder. Therefore, no useful purpose would be served by keeping the execution petition pending any further.

ORDER

1. The execution petition stands dismissed for want of prosecution and for failure of the decree holder to take necessary steps for execution of the modified decree.
2. Record and proceedings be sent to record room after due compliance.

Date:- 11/06/2026
Place:- Ahmedpur

(R.D. Wabale)
Jt. Civil Judge Senior Division
Ahmedpur