

Order below Exh.1 in R.D. No.34/2007

Parties and their advocates remained absent when called at 4.00 pm. Record shows that JD No.2 has preferred F.A.No. 1266/2006 before Hon'ble Bombay High Court, Bench at Aurangabad, and the said appeal came to be admitted. From CIS, it seems that the last date of F.A.No.1266/2006 was 16/04/2008. The present status of F.A.No.1266/2006 is not known. Record further shows that the Civil Appl. No.7780/2008 filed by JD No.2 in F.A.No.1266/2006 has been disposed of by order dated 17/03/2010 and the Hon'ble Bombay High Court, Bench at Aurangabad was pleased to stay the execution and implementation of Award passed in LAR No.379/1998, for whose execution the present proceeding came to be filed. Hon'ble Apex Court in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. Vs. CBI**, reported in (2018) 16 SCC 299 has clearly held that "*all the stay orders granted in any civil or criminal proceeding will come to an end after the lapse of six months period, unless the same is extended by passing specific order.*" It is pertinent to note that the parties have failed to file any document on record to show that the stay granted by Hon'ble Bombay High Court, Bench at Aurangabad vide order dated 17/03/2010 is extended by specific order.

2. Record further shows that DH has withdrawn an amount of Rs.2,00,000/- deposited by JD No.2. The notice issued by this Court to DH vide **Exh.39** returned unserved. The matter is pending since year 2007 i.e. from last more than fifteen years. *Hon'ble Bombay High Court has time and again directed to dispose of matters pending for more than five and ten years on priority basis.* In such circumstances, it is necessary to decide this matter at the earliest. It appears that decree holder is not interested in proceeding with the matter. Kept for dismissal order on next date.

Order dictated and pronounced in open court.

Date : 19/01/2023

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.