

Order below Exh.1 Spl.Dkst. No.177/2016

This execution petition is filed for recovery of amount. Record shows that the address of all the judgment debtors appearing in the title clause of the petition is of Latur i.e. they are residing or working outside the jurisdiction of this Court. As per provisions of Section 39 (4) CPC, this Court has no authority to issue warrant against the judgment debtors who are residing or working outside the local limits of this Court. Therefore, for effective execution of decree and taking into consideration the fact that decree holder shall enjoy the fruits of decree, in my opinion, it is necessary to pass appropriate order for meeting the ends of justice.

2. Learned AGP Shri K.V. Pandharikar representing the State Government drawn my attention towards the order dated 07/08/2013 and 21/08/2013 issued by Collector, Latur empowering the concerned SDO's, within whose jurisdiction the acquisition proceedings took place, shall deal with those matters. In such situation, SDO, Nilanga requires to be added as party to the execution proceeding *albeit* he was not party to the proceeding filed by decree holders for enhanced compensation. Besides, as per provisions of Order I Rule 10(2) CPC the Court may at any stage of the proceedings, either upon or **without the application of either party**, and on such terms as may appear to the Court to be just, and that the name of any person who ought to have been join, whether as plaintiff of defendant, or **whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit**, be added. Taking into consideration the powers vested in this Court as per the said provision and the orders referred *supra* issued by Collector, Latur, I pass following order:-

ORDER

1. Decree holder shall take necessary steps for adding SDO, Nilanga as party to the present proceeding on next date or any other date as extended by this Court.
2. In default of decree holder in taking appropriate steps for adding SDO, Nilanga as party to the present proceeding, necessary order including dismissal of this execution petition will be passed by this Court.
3. Order dictated and pronounced in presence of learned advocate Shri Waijale.

Date :25/07/2024

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