

**Order below Exh.11 in Spl.Dkst. No.177/2016**

By this application decree holder has requested for adding SDO, Nilanga as JD No.4, on the grounds stated in the application. Proposed JD No.4 failed to appear though served with notice vide **Exh.13**. The petition is proceeding ex-parte against existing judgment debtors. Perused application. Heard learned advocate for DH.

2. Record shows that decree holder has filed this execution petition for recovery of compensation amount granted in LAR No.137/2006, decided on 01/09/2012. Decree holder has **drawn my attention towards the order dated 07/08/2013 and 21/08/2013 issued by Collector, Latur** empowering the concerned Sub Divisional Officers for looking into the aspect of payment of outstanding compensation amount due towards its office. On the basis of these circulars issued by Collector, Latur the DH has moved this application. Admittedly, proposed JD No.4 was not party to LAR No.137/2006. However, by virtue of circulars issued by Collector, Latur he has delegated his powers to disburse the amount of compensation payable to the claimant/s. In view of bar created by Section 39(4) C.P.C., the Court cannot issue warrant against the judgment debtor who is residing or working or has property outside its local jurisdiction. In the present case, the matter is pending from last more than five years. Asking decree holder to get transfer this execution petition to Latur will be cumbersome and will amount to miscarriage of justice. Taking into consideration the circulars issued by the Collector, Latur by which he has delegated the powers to the concerned Sub Divisional Officers, I pass following order:-

**ORDER**

1. Application is allowed.
2. S.D.O., Nilanga be added as JD No.4 in present execution petition.
3. Decree holder shall carry out necessary amendment in the title clause of the petition.
4. Decree holder shall provide copy of amended petition to the Court and for the judgment debtors.
5. No order as to costs.

Date :09/01/2025

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