

ORDER BELOW EXH.1
IN
Spl. Darkhast No.17/2023
(Shriram Finance Vs. Jakir Pathan)

Decree Holder and learned Advocate are absent. No steps have been taken. By order below Exh.1 dated 05.02.2026, the matter was kept for dismissal order. No application for adjournment has been filed on record. The Decree Holder has failed to prosecute the matter diligently. It is pertinent to note that the learned Advocate for the Decree Holder has not attended the Court for a considerable period of time. The Decree Holder has neither remained present before the Court nor taken any effective steps to secure the presence of the Judgment Debtor.

2. The present Darkhast is filed for recovery of money. Upon perusal of the record, it appears that the learned counsel for the decree holder has submitted a list of articles without providing their proper specifications. It is the obligation of the decree holder to specify each article with adequate identification details. In the present Darkhast, the learned counsel for the decree holder has merely mentioned “refrigerator, T.V., cooler, cupboard (iron and wooden), chair ” without furnishing specific details or identification marks such as the make, model, or name of the manufacturing company. Moreover, the said list has not been accompanied by any affidavit or supporting material to enable proper identification of the articles. In these circumstances, it clearly appears that the Decree Holder is not interested in prosecuting the matter.

3. The Hon'ble Supreme Court in *Periyammal (dead) through LRs. & ors. v. V. Rajamani & anr. Etc., 2025 INSC 329*, has reiterated the guidelines issued in *Rahul S. Shah v. Jinendra Kumar Gandhi, (2021) 6 SCC 418* and has stressed upon the disposal of an execution petition within six months of its institution. No useful purpose would be served by keeping the matter pending any further. Hence, following order is passed.

ORDER

1. Petition is dismissed for want of prosecution.
2. No order as to costs.

Place : Karmala.
Date : 13.03.2026

(S.M.Ghuge)
Civil Judge Senior Division,
Karmala.