

ORDER BELOW EXH. 1

Perused record of the case and roznama. Heard Learned advocate for decree holder. It is seen from the record that decree holder had filed this execution petition for execution of order passed in RCS No.53/2003, Jayashree Saraf+1 Vs. Deepak Deshmukh and others. Judgment debtors filed appeal against that judgment, however the said appeal was dismissed. Thereafter, objector namely Ashabala Deshpande filed her objection at Exh.33 stating that she is having preferential right over the decree holders in the suit property. Thereafter order was passed below Exh.33 and issues were framed on the objection of objector. In the meantime judgment debtor preferred appeal against judgment of trial court in RCS No.53/2003 up to the Hon'ble Supreme Court. However, their appeal were dismissed. As well as, decree holder also had preferred appeal against order below Exh.33 passed in this execution petition. Which was disposed of with direction to decide the matter within a period of six month from the date of order i.e. 13th November, 2025.

2. At present no appeal is pending against judgment in RCS No.53/2003. As well as, this matter has made time bound by Hon'ble High Court of Bombay, Nagpur Bench at Nagpur. That writ was received by this court on 12.12.2025. Since then execution petition was kept for evidence of objector on 19.12.2025, 16.01.2026, 13.02.2026, 20.02.2026, 24.02.2026, 27.02.2026, 02.03.2026, 06.03.2026. Moreover, specific directions were given to objector to lead her evidence by order below Exh.1 on 17.02.2026, 24.02.2026 and 27.02.2026. However, despite clear direction of this court and Hon'ble Bombay High Court in Writ Petition no.1702/2020, objector Ashabala Deshpande has failed to adduced her

evidence in this proceeding. As well as, neither objector nor her advocate have appeared before court to submit anything about their intention to lead evidence on issues. Continuous absence of objector and her advocate shows that objector is not desirous to lead her evidence on issues framed by order below Exh.33. When, objector herself is not desirous to lead her evidence then it is a futile exercise to keep the case pending for her evidence when case has made time bound by Hon'ble High Court. Therefore, considering aforesaid conduct of objector and reasons, I pass following order.

Order

1. Evidence of objector Ashabala Deshpande is closed.
2. Keep this Darkhast for evidence of decree holder.

Karanja (Gha.)
Date:- 10/03/2026

(Diksha D. Vighne)
Civil Judge, J.D. Karanja (Gha.)
Dist. Wardha.