

ORDER BELOW EXH. 1

I have perused record of case. Heard learned advocate P. J. Deshmukh for decree holder. It is seen that my learned predecessor had framed issues on the objection of objector below Exh.33. Those issues alongwith reasons and findings are as follows.

Sr.No.	Issues	Findings
1.	Whether objector prove that she is legal heir of the deceased Satish ?	No
2.	Whether the objector prove that she has preferential right over the decree holder to inherit the property of the deceased Satish as nearest legal heir ?	No
3.	Whether the decree holder prove that there is collusion between the judgment debtor and objector ?	Not arises
4.	What order ?	Objections are rejected.

Reasons

2. As per the directions of Hon'ble Bombay High Court, Nagpur, Bench at Nagpur, in writ petition no.1702 of 2020 this court was directed to decide the matter within a period of six month from the date of order. That order was passed on 13th November, 2025. After receipt of writ the execution proceeding was kept for evidence of objector on 12.12.2025, 19.12.2025, 16.01.2026, 13.02.2026, 17.02.2026, 20.02.2026, 24.02.2026, 27.02.2026, 02.03.2026, 06.03.2026 and 10.03.2026. Despite giving sufficient opportunities neither objector nor her advocate have appeared before court to lead their evidence on issues. Therefore,

evidence of objector was closed by court on 10.03.2026 by passing order below Exh.1. Thereafter, decree holder filed pursis at Exh.45 to state that they does not want to lead any evidence. Today also objector and her advocate found absent when called out. Learned advocate for decree holder is present and it is submitted by him that primary issues no.1 and 2 were on the objector to prove that she has preferential right over the property of deceased Satish as nearest relative than decree holder. However, objector does not adduce any evidence in support of her objection and therefore she has failed to prove issue no.1 and 2 in her favour. As objector has failed to prove issue in her favour then no question has arises to prove issue no.3 which has place burden on the decree holder. Therefore, he has prayed for rejection of objection of objector.

As to issue no.1 and 2 -

3. It is seen from the record that even after giving sufficient opportunities plaintiff has failed to adduced her evidence on issue no.1 and 2. Another suit RCS no.26/2018 relating to same issues between same party was pending before court and in that suit on 17.03.2026 objector i.e. plaintiff in that suit had file vakalatnama through attorney of her advocate. This fact which is connected to this execution petition shows that she is aware about current procedure before court of that suit and in this execution petition. However, despite that she has failed to appear and adduced her evidence in this execution petition. It is settled principle of law that “law helps to the vigilant and not those who sleep over there rights means ignorant”. The continuous conduct of objector in this execution petition shows that she is ignorant over her rights and consequently she has failed to adduced her evidence despite giving opportunities. Objector has not adduced any evidence regarding issue no.1 and 2 which were on her shoulder to prove. In the absence of any

evidence issue no.1 and 2 are not prove by objector. Thus, considering aforesaid reason, I answer issue no.1 and 2 in negative and record my findings accordingly.

As to issue no.3 and 4 -

4. As I have discuss in issue no.1 and 2, the objector has not discharged her burden to prove her relationship with deceased Satish and her preferential right over the property of deceased Satish. Therefore, the title of decree holder as legal heir of deceased Satish has remain intact as decided in earlier series of litigation up to Hon'ble Apex Court. Since, objection of objector has not proved then no question has arises to prove by decree holder collusion between objector and judgment debtors. Thus, I answer issue no.3 as not arises and record my finding accordingly. In answer to issue no.4 and in the result, I pass following order.

Order

1. Objections of objector are rejected.
2. Decree holder is directed to take step in the proceeding for speedy disposal of this execution petition.

Karanja (Gha.)
Date:- 24/03/2026

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