

ORDER BELOW EXH.1

The present execution proceeding is filed by D.H for recovery of compensation amount awarded under L.A.C. No. 79/1994 .

2. The present proceeding was filed in the year 1994. On perusal of record, it appears that, notices were issued to J.D. under Order 21 Rule 22 of Code of Civil Procedure and those are duly served on them. But till date they have not deposited claimed amount. Record also shows that, legal heirs of D.H. remain absent since long. Matter is pending since 2010 year and it is pending for more than 14 years. There is absolute no progress in the matter on behalf of D.H. Due to absence of D.H. and for want of step on behalf of D.H. matter is unnecessarily pending. In spite of opportunities given to D.H. he/she/they has/have failed to take proper and effective step to recover the decretal amount.

3. In the present matter, it appears that D.H. No.3 and 5 reported dead on 20/05/2017 and 04/09/2023 respectively. Thereafter, their legal heirs were substituted on record vide order passed below Exh.13 and Exh.18 of dated 16/06/2024. Afterwards, D.H. have carried out amendment to that effect on 04/07/2024. But then also D.H. have not submitted amendment copy on record till date. The conduct of the D.H. shows that, they are deliberately prolonging the matter and avoided to take effective steps to show progress in the matter.

4. The present matter is listed for speedy disposal in view of the directions of the S.C.M.S. Committee of Hon'ble High Court, Bombay vide letter reference of District Court Yavatmal, O.W.No.55/26/CM/2024 dtd.25/06/2024. For want of D.H. and their Advocate there is no progress in the matter. However, for want of J.D. and as they are not depositing amount in the Court, here it is necessary to give the specific directions to both parties for speedy disposal of the matter. Hence, following order is pass.:-

ORDER

1. Both the parties are directed to take note of the present order and co-operate to the Court for speedy disposal of the matter as directed in Action Plan 2024.
2. D.H. is hereby directed take proper and effective steps to show progress in the matter, if he fails to take steps and fails to show progress in the matter, further suitable order must be passed.
3. J.D. are also hereby directed to deposit the decretal amount on or before next date without fail.
4. C.C. is hereby directed to inform to the J.D. about said order and call for them for depositing the amount effectively and urgently in the Court without fail.
5. Both the Advocates of the respective parties to take note of the order and act upon it.

Date : 08/08/2024
Place : Kelapur.

(K. K. Mane),
Jt. Civil Judge (Sr.Dn.), Kelapur,
Tal. Kelapur, Dist. Yavatmal.