

Spl.Dkst.No.44/2009
Chandrabhagabai+5
-Vs – State +2

ORDER BELOW EXH. 1

The present execution proceeding is filed by D.H. for recovery of compensation amount awarded in L.A.C. No. 195/1994. The Present execution proceeding is pending since 2009.

2. It is listed for speedy disposal as targeted case as per directors of the Hon'ble SCMS committee given in Action plan 2024 & circular of the Hon'ble High Court No. Insp-I/63/2025 in pursuance of Hon'ble Apex Court order date 06/03/2025 in Civil Appeal Nos. 3640-3642 of 2025 (Periyammal (Dead) through LR's and others -Vs- V. Rajmani & another). Accordingly on several times directions are given to D.H, to take effective steps in matter & to show progress in matter. Also matter was previously kept for dismissal order, vide order passed below Exh.01 on 10/07/2025. There after, on Last date D.H. has applied for issuance of attachment warrant and accordingly attachment warrant was issued against J.D. No. 1 under Order 21 Rule 43 of the code of Civil Procedure.

3. Today matter is listed for awaiting attachment warrant, issued on last date Today, bailiff report of Exh. 28 is received. On perusal said report it appear that, bailiff has not executed the same and he grants time to J.D. on the say of Advocate of D.H. This conduct of bailiff shows that, he deliberately avoided the execute attachment warrant and he disobeys the Court's order without attaching movable articles of J.D. as directed. He also deliberately

grant adjournment to J.D. on the say of Advocate of D.H. Shri D. G. Mankar. In fact bailiff as well as advocate of D.H. has no authority to grant time to J.D. Bailiff has not followed the procedure laid down under Order 21 Rule 43 and Rule 43-A, of the Code of Civil Procedure. Due to his misconduct and deliberate act, matter is unnecessary prolonged. Also, today D.H. absent. Her advocate Shri. D. G. Mankar present. But he has not taken any steps in matter. Also, not filed any application on record to show progress in matter, having knowledge that attachment warrant was not executed. On the contrary without attaching movable articles from J.D.'s office, he himself grant time to J.D. It shows that D.H. and their advocate has only intention to keep matter pending without any steps. Record itself shows that, D.H. as well as her advocate is taking procedural disadvantage. They have not taken effective steps to recover amount by lawful procedure. They want to mold procedure as per their choice, as they have taken attachment warrant from Court and without executing with grant adjournment to J.D. for depositing amount in Court. This conduct of the D.H. as well as her advocate is against the procedural law.

4. Considering all those aspects and as there is no progress in matter on behalf of D.H. it needs to keep matter for dismissal order. Also, as the matter is old one and as attachment warrant was not executed by concerned bailiff, it is necessary to issue show cause notice to said bailiff for his misconduct and disobedience of Court's order, directing him as to why report against him should not be forwarded to Hon'ble Principal District Judge, Yavatmal for necessary action. Hence the following order.

ORDER

1. Matter be kept for dismissal order.
2. Issue show cause notice to bailiff Shri D. B. Ingole, about his misconduct and dis-obedience of courts order for not executing attachment order.
3. Copy of the notice be also forwarded to Hon'ble Principal District and Sessions Judge, Yavatmal for kind perusal.
4. Ld. Adv. Shri. D. G. Mankar to take note of this order.

Date :- 05-12-2025
Place :- Kelapur.

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