

ORDER BELOW EXH.1

The present execution proceeding if filed by D. H. for recovery of compensation awarded amount under L.A.C. No.143/2004.

2) The present matter was filed in the year 2009. Notice was served on J.D No. 1 to 3 but they failed to appear before the Court. Since then matter is adjourned for steps. Later on D. H. has sought for issuance of attachment warrant as per application filed at Exh.28 which was allowed and attachment warrant was not executed on J. D. no. 01 and 02 However, D.H. has not taken proper steps in the matter. In view of the directions of 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 the present matter is listed for speedy disposal.

3) Record further shows that, D.H. absent since long. No proper and effective step taken on behalf of D.H. till date to show progress in the matter inspite of directions given to him vide on several occasions attachment warrants was issued but those were not executed for want of D.H. order passed below Exh.1 on 03/07/2025 and 02/01/2026. The conduct of the D. H, and his advocate shows that they are deliberately prolonging the matter and avoided to take effective steps to show progress in the matter and avoided to take effective steps to show progress in the matter. Also, said directions are not complied till this date.

4) The present proceeding was filed in the year 2009. On perusal of record, it appears that, notice was issued to J.Ds. 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, D.H. remain absent since long. Matter is pending more than 16 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 has failed to take proper and effective step to recover the remaining decretal amount.

5) The present matter is pending since 2009. In view of directions given by the Hon'ble High Court vide circular bearing No.Insp-1/63/2025 in pursuance of Hon'ble Apex Court order dtd. 06/03/2025 and Civil Appeal Nos. 3640-3642 of 2025 (Periyammal (dead) through Lrs. and others Vs V. Rajmani and another), to dispose of pending execution petitions within six months from the date of circular. In view of the directions given by the Hon'ble High Court, it is necessary to dispose of the matter within six months. There is no progress on behalf of D.H. D.H. as well as his advocate has only intention to prolong the matter. Today, D.H. absent. His advocate present, but not filed any kind of application on record to show progress in the matter. For that reason and as there is no progress in the matter on behalf of D.H. and for want of J.D. as they are not depositing amount in the Court, here it is necessary kept the matter for dismissal order with specific directions. Hence, following order is passed.

ORDER

- 1) The matter be kept for dismissal order with directions to the D.H. to remain present on next date without fail and proceed with the matter.
- 2) If he fails, his execution proceeding be dismissed without giving further opportunity.

Date: 23/04/2026

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