

Reg. Dkst. No. 29/2007
Laxmi +4 Vs State+ oth.

COMMON ORDER BELOW EXH.38 & 39

The applications Exh.38 & 39 filed on behalf of D.H. under Order 6 Rule 17 of the Code of Civil Procedure and prayed for amendment in title clause in respect of the name of proposed J.Ds.

2. The application of Exh.38 filed by the advocate of D.H. for adding Sub Divisional Office, Revenue Department, Wani, as J.D No.2 in title clause. So also, application Exh.39 filed for adding Executive Engineer, Arunavati Project, Digra for Vidarbha Development Corporation as J.D.No.3.

3. Read the applications. Notices of the applications were issued to the proposed J.Ds. Notice of proposed J.D.No.2 & 3 returned back served. But, they have not appeared in the matter and not filed say to the application.

4. On perusal of record it appears that, D.H. has filed present execution proceeding for recovery of compensation awarded amount under L.A.C. No.64/2002. On the presentation of the execution proceeding notice was issued to the J.D. No.1 to 3 those were served. But they have not appeared in the matter. Now D.H. want to amend title clause in respect of J.D. No. 2 & 3 by contending that, the office of J.D.No.2 i.e. Special Land Acquisition Office, Minor Irrigation Work-I has been closed and it has been shifted as Sub Divisional Office, Revenue Department, Wani and the office of J.D.No.3 i.e. Executive Engineer, Medium Project Division, Yavatmal have handed over their work to Executive

Engineer, Arunavati Project, Digras for Vidarbha Development Corporation. The said contents of the applications was supported by affidavit. Also, it was not denied by the J.D.

5. The record itself shows that, present execution proceeding was filed in the year 2007. The advocate of D.H. in his applications has not given any specific dates about the alleged changes. The notices on record of dtd. 20/04/2026 shows that, it was served on J.Ds. But D.H. has not given plausible explanation about delay. Also, the said delay is not properly explained by the D.H.. However, considering the nature of the execution proceeding and in order to decide the matter on merit and decide the real controversy between the parties, It would just and proper to allow the application. Hence, the following order.

ORDER

- (1) Applications Exh.38 & 39 are allowed and D.H. is directed to carry out proposed amendment on or before next date without fail.
- (2) D.H. is also directed to submit amended copy immediately. If fails order stands vacated automatically.
- (3) Both parties are also directed to proceed with the matter expeditiously and co-operate with court for speedy disposal as it is listed in Targeted cases in Action Plan-2024.
- (4) Cost in final cause.

Date : 23/04/2026.

Place : Kelapur.

(**K.K.Mane**)

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

