

ORDER BELOW EXH.1

The present execution proceeding is filed by D.H for recovery of compensation amount awarded under L.A.C. No. 78/1991 .

2. In the present matter, on 29/02/2024 specific directions were given to D.H. to substitute legal heirs and carry out amendment as per order passed below Exh.47, but then also LR's of D.H. have carried out amendment on 04/07/2024. However, they have submitted amended after one month i.e. on 08/08/2024. That on 08/08/2024 specific directions are given for speedy disposal of the matter by passing an order below Exh.1 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. But till date no proper and effective step taken on behalf of D.H. to show progress in the matter. The conduct of the D.H. shows that, they are deliberately prolonging the matter and avoided to take effective step to show progress in the matter.

3. The present proceeding was originally was filed in the year 1996. Thereafter, it was renumbered on transfer. 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, D.H. are remain absent since long. Matter is pending since 1996 year and it is pending for more than 20 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. Inspite of opportunities given to D.H. they have failed to take proper and effective step to recover the decretal amount.

4. On 12/09/2024 specific directions are given to D.H. to take proper and effective steps and to show progress in the matter. Thereafter, on 12/09/2024 D.H. filed an application of Exh.55 for adjournment. The said application was rejected with cost of Rs.400/- with directions to D.H. to take effective steps in the matter, on that day itself. But on that day no steps were taken by D.H. and their advocate. Thereafter, on 03/10/2024 D.H. have filed application of Exh.56 for amendment in their main petition about the further interest. On that application order was passed about issuance of notices to J.D. and to call for their say. Also, D.H. are directed to take notices for effective service and they have also directed to submit copies for issuance of notices and process. But having knowledge of the said order D.H. and their advocate deliberately avoided to comply with the said order. The conduct of D.H. have shows that, they have only intention to prolong the matter without following directions given by the Court.

5. That on 08/08/2024 and 12/09/2024 specific directions are given to D.H. vide orders passed below Exh.1 that, they have to take proper and effective steps to show progress in the matter. But they have deliberately avoided to attend the Court and to take steps for recovery of amount. The conduct of the D.H. shows that, they have only intention to keep matter pending. They have also deliberately avoided to deposit the cost amount of Rs.400/- as per order passed below Exh.55 on 19/09/2024. Ld. Advocate of D.H. Shri D.G. Mankar is well aware of the proceeding. On each

and every date he has gone through the proceeding, but even directions given by the Court, he is not taking steps in the matter. Considering all those aspects and taking into consideration conduct of D.H. as they are not taking steps in the matter, following order is passed. :-

ORDER

1. D.H. are directed to take note of the present order and deposit cost amount of Rs.400/- as per order passed below Exh.55 on 19/09/2024.
2. D.H. are hereby directed to co-operate to the Court for speedy disposal of the matter as directed in Action Plan 2024 and also directed to take proper and effective steps to show progress in the matter, if they fails to take steps and fails to show progress in the matter, further suitable order must be passed.

Date : 05/12/2024
Place : Kelapur.

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