

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 03/10/2024 D.H. has filed an application of Exh.56 for carry out amendment. Notices were issued to JDs. and directed to D.H to take notices by hand for effective service and submit copies for notices and process. Since then D.H. has not complied the order. Also, on 05/12/2024 specific directions were given to D.H. to carry out amendment as per order passed below Exh.56. But thereafter D.H. has not shown any progress in matter for the recovery of enhanced compensation amount. Also, thought the application of D.H. filed at Exh.56 was allowed on 03/10/2024, D.H. has not carried out said amendment till date. Record shows that, D.H. remain absent since long. His advocate Shri D. G. Mankar attended the Court, but he has not following the directions given by the Court. Also, he has not complied order passed below Exh.56 and not carried out amendment and also not submitted amended copy till date. The record itself shows that, D.H. and his advocate deliberately want to keep pending matter without taking any steps in the matter.

3. 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. Even though, specific directions were given to D.H on 05/12/2024, vide order passed below Exh.1 D.H has not shown any progress in the matter.

4. The present proceeding was filed in the year 2009. 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. remain absent since long. Matter is pending since 2002 year and it is pending for more than 24 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, he has failed to take proper and effective step to recover the decretal amount. For want of D.H. and for want of effective steps on behalf of 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. D.H. is directed to comply with the order passed below Exh.16 of dtd. 21/11/2024 and carry out amendment today itself and submit amended copy forthwith.
2. 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.
3. 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.

4. If D.H. fails to comply with this order and if he fails to comply with order passed below Exh.16, further opportunity should not be given to him. Also, on failure of D.H. matter be kept for dismissal order.
5. D.H. and his advocate to take note of the present order and act upon it.

Date : 23/01/2025
Place : Kelapur.

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