

**ORDER BELOW EXH.-22**

1) This is an application filed by the Decree Holder under Order VI Rule 17 of the Code of Civil Procedure (hereinafter referred to as 'C.P.C.') for amendment in the execution petition (Exh.01).

**Contents of the application, in brief, as under :-**

2) The Decree Holder has filed this L.R.Dkst. for recovery of compensation amount awarded under L.A.C. No.78/2014 as per the interest calculated till 30/12/2021 for Rs.3,76,988/-. However, Judgment Debtors have not deposited any amount so far. Therefore, there is need to amend the calculations of the amount to be recovered. Hence, the enhance interest from 31/12/2021 to 14/08/2025 of Rs.72,444/- and therefore, instead of Rs.3,76,988/- the amount of Rs.4,59,432/- needs to be amended. Moreover, the future interest of Rs.1,33,243/- at the rate of 15% from 31/12/2021 till 15/08/2025 till realization needs to be incorporated.

3) Hence, the D.H. wants to amend her petition (Exh.01) as pleaded in para no.2 and 3 and contend that there is no prejudice to the J.D. and it will prevent financial loss to the D.H. Hence, D.H. prays for proposed amendment.

4) A.G.P. on behalf of all three Judgment Debtors have resisted this application vide their say overleaf of the application and strongly opposed to the application and contended that as reasons mentioned in the application are not true and correct

and it has been filed at belated stage. Hence, they have prayed for rejection of the application with heavy cost.

5) Heard Ld. Counsel of D.H. and J.Ds. Perused entire record.

6) From the above pleadings, following points arise for my determination. I have recorded my findings to those points for the reasons stated there in below.

| <u>Sr. No.</u> | <u>Points</u>                                                                                               | <u>Findings</u>        |
|----------------|-------------------------------------------------------------------------------------------------------------|------------------------|
| 1)             | Whether proposed amendment is necessary for determining real questions in controversy between the parties ? | ..Yes.                 |
| 2)             | Whether proposed amendment will change the nature of the execution petition ?                               | .. No.                 |
| 3)             | What order ?                                                                                                | .. As per final order. |

### REASONS

#### AS TO POINT NOS. 1 to 3 :-

7) Admittedly, this execution petition is for recovery of decretal amount of Rs.3,76,988/- as per the award in L.A.R.No.78 of 2014 dated 25/06/2018.

8) The perusal of the record reveals that J.Ds have appeared through A.G.P and inspite of issuance of attachment warrant vide Exh.09, no amount has been deposited and correspondence documents seeking the said amount from Superintendent Engineer, P.W.D. Yavatmal has been annexed.

However, as noted above no amount has been deposited yet as a record does not reveal so.

9) The proposed amendment is in consonance with the awarded interest in the award dated 25/06/2018 and interest has been calculated till 15/08/2025.

10) Hence, proposed amendment is warranted and it will enable the D.H. to seek recovery for the latest period as noted above and if the application is allowed then the nature of the proceeding will not be changed. Hence, to avoid the multiplicity of litigation and to seek complete recovery, the application is deserves to be allowed.

11) In view of this discussion, I have recorded findings of point Nos.1 and 2 accordingly and in answer to point No.3 following order is passed.

### **ORDER**

- 1) Application, Exh.- 22, is hereby allowed.
- 2) The D.H. is directed to carry out the proposed amendment in the execution petition as pleaded in para no.2 and 3 of the application.
- 3) D.H. to comply within 30 days and file amended copy.
- 4) Cost in cause.

Date : 17/11/2025.

**(P. S. Jondhale)**  
Civil Judge (Sr.Dn.),  
Wani.