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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010401492026

+ **FAO(OS) 96/2026**

MADHU MAWANDIA

.....Appellant

Through: Mr. Sarojanand Jha, Mr. Suraj
Malik, Ms. Rajreeta Ghosh, Mr.
Rahul Kr. & Ms. Muskan
Saxena, Advs.

versus

BIMAL MAWANDIA & ORS.

.....Respondents

Through: Ms. Niyati Kohli, Mr. Rishabh
Parikh, Mr. Pratham Viragarwal
& Mr. Jatin Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **25.08.2026**

CM APPL. 57753/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the application stands disposed of.

CM APPL. 57754/2026 (D-11 Delay in re-filing)

3. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 on behalf of the appellant, seeking condonation of delay of 11 days in re-filing the present appeal.
4. Issue notice.
5. Notice is accepted by the learned counsel for the respondents,



who appears on advance notice.

6. For the reasons assigned in the application, the same is allowed and delay of 11 days in re-filing the appeal is condoned.

7. The application stands disposed of.

FAO(OS) 96/2026 & CM APPL. 57752/2026- Stay

8. The present appeal has been filed under Section 10 of the Delhi High Court Act, 1966 against the judgment and order dated 06.07.2026, passed in O.M.P. 3/2024 and E.X.P. 82/2023 by the learned Single Judge of this Court, insofar as the Impugned judgment rejects the appellant's objections under Order 21 Rule 97 of Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC'), thereby treating the appellant's independent proprietary interest as bound by the Arbitral Award rendered in the arbitration proceedings to which she was never a party, and directs transfer of her independent interest property bearing no. A-175, Sushant Lok, Phase-I, Gurugram.

9. Issue notice.

10. Notice is accepted by the learned counsel for the respondents, who appears on advance notice.

11. The first submission raised by the learned counsel for the appellant is that Ms. Madhu Mawandia, the appellant herein, was not a party to the arbitration proceedings. Though, at some stage, a settlement was attempted between the parties pursuant to which a Memorandum of Understanding (MoU) was signed by the appellant. However, the interim award passed by the learned arbitral tribunal was based on subsequent other settlement between the parties, to which the appellant was not a signatory.



12. Aggrieved by the directions contained in the interim award concerning her share in the property, the appellant raised objections under Order XXI Rule 97 CPC, in the execution proceedings.

13. The appellant's husband, Mr. Vinay Mawandia, who was a party to the arbitration proceedings, also filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the said interim award.

14. The petition under Section 34 of the Act and the execution proceedings were clubbed together and came to be decided by the common impugned order dated 06.07.2026.

15. Learned counsel for the appellant submits that, while passing the Impugned Order, the learned Single Judge failed to consider the objections and submission raised by the appellant herein filed under Order 21 Rule 97 of the CPC.

16. Learned counsel further submits that the Learned single judge proceeded to adjudicate the petition under Section 34 of the act filed by the appellant's husband and, having rejected the same, dismissed the appellant's objection as well, essentially relying upon the findings in the said petition.

17. The consideration of the appellant's objection filed in the execution proceedings does not find any mention in the entire impugned order.

18. Learned counsel for the respondent, at this stage, submits that the matter may be remanded back to the learned Single Judge for fresh adjudication of the appellant's Objections.

19. In view of the aforesaid, the matter is remanded back to the



learned Single Judge for fresh consideration and adjudication of the objections filed by the appellant.

20. The present appeal is accordingly allowed to the limited extent that the rejection of the appellant's objections under Order 21 Rule 97 of the CPC is set aside.

21. Considering that the execution proceedings have been pending for a considerable period, the learned Single Judge is requested to consider and decide the objections as expeditiously as possible.

22. The appeal, along with any pending application, stands disposed of in above terms.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

AUGUST 25, 2026_{/pr/KZ}