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

+ EX.P. No.162/2016

KAVITA MISHRA

..... Decree Holder

Through: Mr. Om Prakash Mishra, Adv.

versus

QUEEN MARYS SCHOOL & ANR

..... Judgment Debtors

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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21.12.2016

EA No.851/2016 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

EX.P. No.162/2016.

3. Execution under Order XXI of the Code of Civil Procedure, 1908 (CPC) is sought of an order in a writ petition.
4. The counsel for the decree holder is unable to satisfy how this execution petition is maintainable.
5. Under Order XXI of the CPC only decrees/orders in suits, or Arbitral Awards made executable as a decree by virtue of provisions of Arbitration & Conciliation Act, 1996 are executable and not orders in writ petitions under Article 226 of the Constitution of India.
6. The petition is thoroughly misconceived and is dismissed with costs of Rs.5,000/- payable to the Delhi High Court Bar Association Lawyers' Social Security and Welfare Fund, New Delhi as a pre-condition to the decree holder taking any further steps for enforcement of the order claimed by the decree holder in her favour.

RAJIV SAHAI ENDLAW, J

DECEMBER 21, 2016/‘pp’..