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

+ **EX.P. 52/2018**

MASTER ABHINAV (MINOR) & ORS Decree Holders
Through: Mr. Abhishek Kr. Singh, Advocate.

versus

VIPEN KUMAR PARWANDA Judgement Debtor

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **30.05.2018**

E.A. (OS) No. 230/2018 (for exemption)

1. Exemption allowed, subject to all just exceptions.

E.A. (OS) stands disposed of.

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2. This execution petition is filed for execution of the final decree for partition passed on 11.12.2009 in CS (OS) 953/2008.

3. A final decree for partition is an Instrument of Partition under Section 2(15) of the Indian Stamp Act, 1899 which has to be stamped as per Article 45 of Schedule of the Indian Stamp Act. This issue has been recently decided by a Full Bench of this Court in its judgment dated 11.5.2018 in ORIGINAL REF. 2/2018 in CS (OS) 1098/2005.

4. Accordingly, this execution petition will not lie since the judgment and decree which is sought to be executed is not stamped on requisite non-judicial stamp papers.

5. Execution petition is accordingly disposed of with liberty to the decree holders to revive the same on filing of the decree which is stamped on non-judicial stamp papers as required by law.
6. A copy of this order be sent to the Filing Counter, and the Registry of this Court is put to notice that no execution petition should be listed before the Court, and which execution petition seeks execution of a final decree passed in a partition suit, whether the same be for sale of property/properties or for any other enforcement of a final decree requiring execution till the decree which is sought to be executed is appropriately stamped as per Article 45 of the Schedule of the Indian Stamp Act.
7. Execution petition is accordingly disposed of for the time being with the aforesaid liberty.

VALMIKI J. MEHTA, J

MAY 30, 2018

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