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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16078/2022**

RAJARAM PARJAPATI Petitioner
Through: Mr. Pritpal Singh Chawla and Mr.
Gaurav Kumar Advocates

versus

DEPUTY LABOUR COMMISSIONER (SOUTH) & ORS. Respondents
Through: Mr. Manish Mohan Choudhary and
Mr. Prasoon Shekhar, Advocates for
R-5

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

06.05.2024

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1. The instant petition has been filed by the petitioner under Article 226 of the Constitution of India seeking following reliefs:

“In view of the above facts & circumstances, it is most humbly prayed that the Hon'ble Court may kindly be pleased to issue appropriate writ of mandamus or any other writ, order, direction or command, directing the respondent no. 1 to 3 to enforce the Award dated 31.08.2018 in favour of the petitioner and against the respondent no. 4 & 5.

Any other further order(s) be passed or reliefs be granted in favour of the petitioner as the Hon'ble Court may deem fit & proper.”

2. Learned counsel appearing on behalf of the respondent No.5 submitted that the petitioner has filed the instant petition seeking enforcement of the impugned award despite the fact that the petitioner has already filed an execution petition bearing Ex. P. 30/2023 before the Execution Court and has placed reliance on the list of documents filed by it which elucidates the details of the aforementioned execution petition.



3. It is contended that the instant petition is nothing but a gross misuse of process of law.

4. Learned counsel for the petitioner does not refute the aforesaid submission.

5. Heard learned counsel for the parties as well as perused the contents made in the petition, the list of documents filed by the respondent no.5 and considered the submissions made on behalf of the respondent no.5.

6. Upon perusal of the list of documents filed by the respondent no. 5, it is evident that the petitioner has instituted execution petition seeking enforcement of the impugned award before the Execution Court and the matter is currently pending adjudication.

7. It is an admitted fact that the instant petition has been filed by the petitioner seeking enforcement of the impugned award dated 31st August, 2018 and that he has also filed an execution petition seeking enforcement of the impugned award before the Execution Court seeking similar relief as sought in the instant petition. This Court is of the view that by way of filing the instant petition, the petitioner has misused this Court's writ jurisdiction as it has already approached the appropriate forum i.e., the Execution Court to seek implementation of the impugned award.

8. In view of the aforesaid discussion, I do not find any merit in the instant petition hence, the petition is dismissed alongwith, pending applications, if any.

CHANDRA DHARI SINGH, J

MAY 6, 2024
SV/DB

Click here to check corrigendum, if any