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

+ **W.P.(C) 5136/2013**

SYED ASHRAF HASNAIN RIZVI

..... Petitioner

Through: Mr. Rajeeve Mehra, Sr. Advocate,
Ld. Amicus Curiae with Ms. Niti A.
Sachar and Mr. Ratensh Sharma,
Advocates with petitioner in person.

versus

UOI MINISTRY OF EXTERNAL AFFAIRS NEW DELHI

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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11.04.2022

The matter is taken up today in view of an en-bloc date pursuant to the pandemic.

None is present on behalf of the respondent today, though there appears to have been representations for the respondent by the learned CGSC on 04.03.2020.

Court notice be issued to the Standing Counsel for the respondent with the copy of this order being also served to seek the assistance of the Embassy of the Islamic Republic of Iran in the matter, in as much as, there is a judgment and decree in favour of the petitioner dated 14.11.2007, which is yet to be executed in relation to which vide the impugned order dated

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24.06.2013 of the Ministry of External Affairs bearing No.DIII/464/23/2002, it has been observed vide paragraph 21 thereof to the effect:-

“21. In view of the above and in view of the fact that Embassy of Iran has not agreed to waive its immunity for execution of the judgment, the Government of India is not in a position to grant permission under Section 86 (3) of the Civil Procedure Code for execution of the judgment as it would violate the relevant provisions (as mentioned above) of the Vienna' Convention on Diplorhatic Relations, 1961. By virtue of section 2 (1) of the Diplomatic Relations (Vienna Convention) Act, 1972, the VCDR has a force of law in India and also prevail over any other law in force in India.”

Written synopsis not exceeding three pages along with copies of rulings sought to be relied upon be filed by the petitioner with a copy thereof being supplied to the respondent in advance before the next date of hearing.

The matter is directed to be re-notified for the date 27.05.2022.

ANU MALHOTRA, J

APRIL 11, 2022

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