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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, Senior
Advocate (Amicus Curiae).
Mr. Syed Shariq Ameen Rizvi,
son of petitioner in person
(Ph. 7838278482)

versus

UOI MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

..... Respondent

Through: Ms. Monika Arora, CGSC
with Mr. Yash Tyagi,
Mr. Subhradeep, Advocates and
Ms. Mahamaya Chatterjee, GP
(Ph.9511676829)

Email: officeadvmonika@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

09.05.2023

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[Physical Hearing/ Hybrid Hearing]

1. Ms. Monika Arora, learned Standing Counsel for the Union of India submits that pursuant to the directions of this Court dated 21.02.2023, a meeting was fixed by the Protocol Section of the Ministry of External Affairs (MEA) on 10.03.2023, which was subsequently fixed for 14.03.2023 owing to non-confirmation of availability by the petitioner earlier. It is submitted that during the meeting that was held on 14.03.2023, the Iranian Embassy has indicated that requisite documents are required from the petitioner



herein in order to assess the entitlement of the petitioner by the Iranian Embassy.

2. It is further submitted by learned Standing Counsel that though the respondent does not have any privity in the dispute between the petitioner and the Iranian Embassy, however, in order to assist and help the petitioner, the MEA is coordinating between the petitioner and the Iranian Embassy, in an informal manner.

3. Learned Standing Counsel has handed over a note, wherein it is stated that during the course of meeting on 14.03.2023, there was some exchange by the petitioner with the officials of the Iranian Embassy, which was not in a polite manner.

4. It is submitted by the learned Standing Counsel for the respondent that as per the request of the Iranian Embassy, the petitioner is required to provide contract of his employment or some similar proof, so that the Iranian Embassy can move forward with the matter.

5. Mr. Rajeeve Mehra, Senior Advocate, learned Amicus Curiae appearing on behalf of the petitioner submits that the documents which are already on record before this Court, clearly point out the fact that the petitioner has been an employee of the Iranian Embassy. He relies upon judgment and decree dated 14.11.2007 in *Suit No. 59/2004*, judgment dated 05.04.2010 passed in *W.P.(C) 3625/2008*, the judgment dated 11.07.2010 in *LPA 489/2010* and the judgment dated 26.04.2013 passed in *W.P.(C) 3662/2012*. He further submits that the Iranian Embassy paid an amount of Rs.84,600/- to the petitioner during the execution proceedings from the SBI account of



the Iranian Embassy. He, thus, submits that no payment would have been made by the Iranian Embassy post the decree in favour of the petitioner, had the petitioner not been an employee of the Iranian Embassy.

6. Learned Senior Counsel further submits that the Iranian Embassy was duly represented before the proceedings in the civil suit as filed on behalf of the petitioner. He submits that the suit was a contested suit and that the decree was passed in favour of the petitioner herein only after detailed evidence and arguments. He submits that he shall be supplying all the aforesaid documents to the learned Standing Counsel appearing for the respondent UOI on the e-mail which is reflected in today's order.

7. In view of the submissions made on behalf of the learned Standing Counsel for UOI, it is directed that respondent – MEA would fix another meeting with the Iranian Embassy. The concerned officials from the MEA are expected to play a more proactive role in order to assist the petitioner herein, since there is already a decree in favour of the petitioner herein.

8. The petitioner being an Indian Citizen, the MEA may have a sympathetic disposition towards the petitioner in helping the petitioner, since the Iranian Embassy otherwise has diplomatic immunity, as already indicated by the Embassy in the last meeting.

9. Let the meeting be fixed by the MEA expeditiously preferably within a period of four weeks from today.

10. Learned Standing Counsel for the respondent/ UOI submits that the matter may be heard on its merits, in case no fruitful conclusion is



reached during the course of the meeting with the Iranian Embassy.
This aspect shall be considered by the Court on the next date of hearing.

11. List for consideration on 02.08.2023.

MINI PUSHKARNA, J

MAY 9, 2023

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