

[PRINT / DOWNLOAD PDF](#)

Execution - Whether a money decree against a Private Limited Co. can be executed against its Directors? - Arbitration award having force of the decree is against the [judgment](#) debtor company only and not against its Directors - There is no provision therefor in the [cpc](#) - Order 21 Rule 50 does provide for execution of a money decree against a firm from the assets of the partners of the said firm mentioned in the said rule but there is no provision with respect to the Directors of a company - The executing court, cannot go behind the decree and can execute the same as per its form only - The decree is against the company - This Court as the executing court cannot execute the decree against anyone other than the judgment debtor or against from the assets/properties of anyone other than the judgment debtor - The identity of a Director or a shareholder of a company is distinct from that of the company - That is the very genesis of a company or a corporate identity or a juristic person - The classic exposition of law in this regard is contained in *Solomon v. Solomon & Co. Ltd. 1897 AC 22* where the House of Lords had held that in law a company is a person all together different from its shareholders and Directors and the shareholders and Directors of the company are not liable for the debts of the company except to the extent permissible by law - [CPC O. 21 R. 50](#).

[2010 PLRonline 0004 \(Del.\)](#)

Tags: [CPC O. 21 R. 50](#), [Execution - Director - Liability of](#), [Execution of decree](#)