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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 357/2023, CM APPL. 14776/2023, CM APPL. 72559/2024,**
CM APPL. 10799/2023 & CM APPL. 14777/2023

MS MANEESHA TYAGI & ANR.Petitioners
Through: Mr. Dalip Kr. Malhotra and Mr.
Rajesh Kr. Malhotra, Advocates
versus

OMESH MISRA MEMORIAL CHARITABLE
TRUST & ORS.Respondents
Through: Mr. Parmjeet Singh, Mr. Vikas
Bhadauria and Mr. Deepak Sharma,
Advocates

+ **CM(M) 1581/2023, CM APPL. 53084/2023 & CM APPL.**
49920/2023

SHRI RAM HOUSING FINANCE AND INVESTMENT
OF INDIA LTD.Petitioner
Through: Mr. Vedant Singh and Mr. Vansh
Kalra, Advocates
versus

OMESH MISHRA MEMORIAL
CHARITABLE TRUSTRespondent
Through: Mr. Parmjeet Singh, Mr. Vikas
Bhadauria and Mr. Deepak Sharma,
Advocates

+ **CM(M) 507/2023, CM APPL. 72553/2024 & CM APPL.**
15145/2023

MANEESHA TYAGI AND ANRPetitioners
Through: Mr. Dalip Kr. Malhotra and Mr.
Rajesh Kr. Malhotra, Advocates
versus

OMESH MISRA MEMORIAL CHARITABLE
TRUST AND ORSRespondents
Through: Mr. Parmjeet Singh, Mr. Vikas



Bhadoria and Mr. Deepak Sharma,
Advocates

+ **CM(M) 508/2023, CM APPL. 72562/2024 & CM APPL. 15151/2023**

MANEESHA TYAGI AND ANRPetitioners
Through: Mr. Dalip Kr. Malhotra and Mr.
Rajesh Kr. Malhotra, Advocates
versus

OMESH MISRA MEMORIAL CHARITABLE
TRUST AND ORSRespondents
Through: Mr. Parmjeet Singh, Mr. Vikas
Bhadoria and Mr. Deepak Sharma,
Advocates

+ **CM(M) 573/2023**

SHRI RAM HOUSING FINANCE AND
INVESTMENT OF INDIA LTDPetitioner
Through: Mr. Vedant Singh and Mr. Vansh
Kalra, Advocates
versus

OMESH MISHRA MEMORIAL CHARITABLE
TRUST & ORS.Respondents
Through: Mr. Parmjeet Singh, Mr. Vikas
Bhadoria and Mr. Deepak Sharma,
Advocates

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

% **ORDER**
06.12.2025

1. It appears that in the present case, the learned Execution Court took a view that since despite the decree in the suit for recovery of possession, the



subject premises were reconstructed to first floor and even second floor, the entire property is liable to be demolished so that possession can be restored in execution to the decree holder. Paragraphs 33-37 of the impugned order bear the crux.

2. A query was raised as to whether the present petitioners can challenge the decree under execution, the admitted position being that their predecessors-in-interest (LRs of N.D. Mishra) had supported the bequeathing of the subject property to the trust, as observed in paragraph 4 of the impugned order. However, learned counsel for petitioners contends that son of N.D. Mishra had never supported the bequeathing. But admittedly, order dated 30.11.2000 was never challenged.

3. Further, in the course of submissions advanced today, it was revealed that the present petitioners have also filed a civil suit, CS(OS) 590/2022 in which the learned Single Judge granted interim injunction in their favour as regards possession of first floor and second floor of the subject property. Copies of all the relevant pleadings be filed in this petition.

4. Further, on the next date, both sides shall disclose as to whether pendency of the present petition has been disclosed in CS(OS) 590/2022 proceedings.

5. On the next date, both sides shall also address as to whether there would be conflict of decisions if this Court upholds the impugned order, thereby allowing demolition of the subject property and the decision of learned Single Judge in CS(OS) 590/2022.

6. Learned counsel for petitioners also contends that since the decree under execution was corrected only in the year 2023, the present respondent Trust cannot be allowed to resist this case, especially because the judgment



leading to the decree under execution does not declare the present respondent Trust as the plaintiff or decree holder. On these aspects, relist on 28.04.2026 in Advance List.

7. Interim orders to continue till next date of hearing.

GIRISH KATHPALIA, J

DECEMBER 6, 2025

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