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

+ EX.P. 100/2025

MRIDULA MUKHERJEE AND ANR

.....Decree Holders

Through: Mr. Subhro Prokas Mukherjee, Mr.
Md. Shah Minhajuddin, Advocates
along with Decree holders in person
(M:9810062603)

versus

AJAY MAHAJAN

.....Judgement Debtor

Through: Mr. Varun S. Ahuja, Advocate
(M:9971673660)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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09.02.2026

1. The present Execution Petition has been filed by two sisters against their brother, seeking execution and compliance of the consent decree dated 13th April, 2023, which pertains, *inter alia*, to a property bearing no. D-805, *New Friends Colony, New Delhi*.
2. In terms of a Settlement/Compromise Deed dated 29th March, 2023, the consent judgment and decree dated 13th April, 2023 came to be passed, wherein, the parties have accepted the Will dated 17th October, 2000 made by their mother, i.e., Late Smt. Savitri Mahajan.
3. The parties are *ad idem* that the brother stays on the ground floor and first floor of the subject property and that the sisters have the right to construct the second floor and third floor each, as per the Compromise Deed dated 29th March, 2023.
4. Learned counsel for the Decree Holders, i.e., the sisters, submits that



the Judgment Debtor, i.e., their brother, has not been cooperating in getting the building plan sanctioned for the purposes of construction of second and third floors of the subject property.

5. Learned counsel for the sisters submits that they had approached the Municipal Corporation of Delhi (“MCD”) and Delhi Development Authority (“DDA”), for taking the matter forward. He submits that while the mutation has to be carried out by the DDA, sanction of the building plan for construction of second and third floors, has to be done by the MCD.

6. It is submitted that they had approached the MCD, which indicated that without mutation in favour of the two sisters, sanction of building plan cannot take place.

7. This Court is also informed that the property is still in the nature of lease hold and has not been converted into freehold.

8. Considering the submissions made before this Court, and in order to resolve the issues between the parties, presence of counsels for the MCD and DDA is considered imperative.

9. Accordingly, issue Court Notice to the Standing Counsels of MCD and DDA, to be present before this Court, along with concerned officials, so that the Decree Holders can be guided with regard to getting the mutation in their favour and getting the sanctioned building plan in their favour for the purposes of construction of second and third floors of the property in question.

10. The counsel for the DDA shall also indicate to this Court the procedure and the formalities involved with regard to conversion of property from lease hold to freehold.

11. All the parties are directed to be remain physically present in the



Court, on the next date of hearing.

12. Re-notify on 24th March, 2026.

FEBRUARY 9, 2026/au

MINI PUSHKARNA, J