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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. Rakesh Talukdar, Mr. Subhro Prokas Mukherjee, Advocates for P-1 and 2 along with P-1 and 2 in person (M:9643155768)

versus

AJAY MAHAJAN

.....Judgement Debtor

Through: Mr. T. S. Ahuja, Mr. Varun S. Ahuja, Ms. Yashita, Advocates for JD (M:9971673660)
Mr. Shashi Pratap Singh, Ms. Laqshyaa Saluja, Advocates along with Mr. Ankit, Assistant Director, DDA (M:9560536975)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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24.03.2026

1. Pursuant to the notice issued by this Court, learned counsel for the Delhi Development Authority ("DDA") has put in appearance along with the concerned official.
2. Learned counsel for the DDA submits that since the property is a leasehold property, the parties in question would have to jointly apply for mutation of the property in their name.
3. It is submitted that it is only after mutation is carried out in the name of the parties that, subsequently upon the joint application of the parties, the DDA shall entertain the application for conversion of property from



leasehold to freehold.

4. The present case pertains to house no. *D-805, New Friends Colony, New Delhi-110025*.

5. The Will dated 17th October, 2000 of the mother, i.e., Late Smt. Savitri Mahajan is on record. On the basis of the aforesaid Will, a Consent Decree dated 13th April, 2023 has already been passed.

6. As per the Will as well as the Consent Decree, the ground floor and first floor along with garage is with Mr. Ajay Mahajan (Judgment Debtor), the son of Late Ms. Savitri Mahajan.

7. The sisters, i.e., Smt. Mridula Mukherjee and Smt. Sucheta Mahajan (Decree Holders), have been allowed to construct one floor each over the first floor of the property.

8. As recorded, Mr. Ajay Mahajan is in possession of the ground floor and first floor of the property along with garage, as per his entitlement.

9. The present execution petition pertains to the issue with regard to construction of one floor each by Smt. Mridula Mukherjee and Smt. Sucheta Mahajan over the said property.

10. Court notice had been issued to the Standing Counsel-Municipal Corporation of Delhi ("MCD") and DDA. Pursuant to the aforesaid notice, learned counsel for the DDA has put in appearance.

11. His statement, on instructions, as aforesaid, is recorded.

12. Learned counsel for Mr. Ajay Mahajan has raised apprehension with regard to securing the interest of Mr. Ajay Mahajan.

13. Mr. Ajay Mahajan, who is present in Court in person, has submitted before this Court that the structure of the property is old and may not be able to sustain construction of two floors over the existing structure. He, thus,



submits that residential property would be required to be constructed afresh.

14. Further, this Court also takes note of the submissions made by learned counsel for judgment debtor, i.e., Mr. Ajay Mahajan that as per the Will, Ms. Lakshmi, who has been raised by the parents of the parties has also been granted a right to stay in the house.

15. This Court has perused the Will dated 17th October, 2000, executed by Late Smt. Savitri Mahajan, mother of the parties.

16. Accordingly, the following directions are issued:

I. Smt. Mridula Mukherjee, Smt. Sucheta Mahajan, and Mr. Ajay Mahajan, shall cooperate and coordinate with each other and jointly file an application with the DDA for mutation of the property in their names.

II. Though the mutation of the property shall be in the name of all the three parties, the share of the parties shall be in accordance with the Consent Decree, wherein, ground floor, first floor and garage of the property shall be in the name of Mr. Ajay Mahajan, while one floor each above the first floor shall be in the name of Smt. Mridula Mukherjee and Smt. Sucheta Mahajan, respectively.

III. As per the Will of Late Smt. Savitri Mahajan, Ms. Lakshmi has been allowed to have a separate flat on the garage for herself if she does not marry. Since, this Court has been informed that Ms. Lakshmi is still unmarried and stays in the property in question, said Ms. Lakshmi shall be allowed to reside in the property.

IV. Considering the Will made by Late Smt. Savitri Mahajan, it is clear that Ms. Lakshmi only has the right to reside in the property in question and as such she has no right or title in the property in question.

V. All the parties shall cooperate with each other and in case any



documents are required for the purposes of mutation of the property in their names, all such documents shall be provided.

VI. All the formalities shall be completed by all the parties in tandem with each other.

VII. Learned counsel for the DDA is requested to coordinate with the respective counsels for the purposes of applying for mutation and other formalities.

VIII. After mutation is effected by the DDA in the name of Smt. Mridula Mukherjee, Smt. Sucheta Mahajan, and Mr. Ajay Mahajan, the said three parties shall jointly apply to the DDA for conversion of the property from leasehold to freehold as per the Rules and procedure.

IX. After the property is converted to freehold by the DDA, Smt. Mridula Mukherjee and Smt. Sucheta Mahajan shall have the right to construct one floor each in the property in question.

X. In case Mr. Ajay Mahajan wishes to reconstruct the property since as per Mr. Ajay Mahajan, the existing construction is old, the parties are at liberty to demolish the whole property and reconstruct a new property all together.

XI. In case it is decided by the parties that a new property shall be constructed, the parties shall cooperate and coordinate with each other and apply to the MCD for sanction of building plan.

XII. In case the parties wish to reconstruct the whole property, the shareholding of the property shall not be disturbed and shall remain the same as recorded in the Consent Decree.

XIII. As far as Ms. Lakshmi is concerned, she would have the right of residence in the property, as long as she is alive.



17. This Court records the submission made by learned counsels for the parties that in future the parties may also consider sale of the property and distribute the proceeds in terms of their respective shares. This Court has not expressed any opinion in that regard and the parties are at liberty to deal with their respective shares accordingly, as considered fit.

18. Let the joint application for mutation be filed by the parties, expeditiously.

19. List on 11th August, 2026.

MINI PUSHKARNA, J

MARCH 24, 2026/au