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

Date of Decision: 20th February, 2026

+ CM(M) 406/2026

ALBERT GOMES & ANR.

.....Petitioners

Through: Mr. Bishnu Kumar, Advocate
(through VC).

versus

HELEN GOMES & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.

CM APPL. 11756/2026 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM(M) 406/2026 & CM APPL. 11755/2026

3. The present petition has been filed on behalf of the petitioners under Article 227 of the Constitution of India, 1950, assailing the order dated 28th November, 2025, passed by the trial court in Execution Petition No. 232/2022.

4. Heard. Record Perused.

5. Learned Counsel for the petitioner has argued that petitioners have nothing to do with multiple litigations, including the civil suit in which the decree in question has been passed. It is submitted that the petitioners were



never impleaded as party in the suit and therefore, the decree could not have been executed against them. It is further argued that the respondents have suppressed the status of the petitioners as tenants in the suit premises. On these grounds, it is prayed that the impugned order be set aside and that the petitioners be put into possession of the suit premises.

6. The relevant portion of the impugned order reads as under:

“Memo of parties along-with an application u/s 379, BNSS filed on behalf of the DH. The same are taken on record.

Another application filed on behalf of the DH seeking possession of immovable property i.e. 6/297, Lalita Park, Laxmi Nagar, Delhi-110092. The same is taken on record.

In view of the submissions made and settlement arrived between parties before the Mediation Centre, the aforesaid application is disposed of as allowed.

Accordingly, issue warrant of possession in respect of property i.e. 6/297, Lalita Park, Laxmi Nagar, Delhi-110092 on filing of PF with permission to break open the lock with police aid, if need arises.

DH to appear before Ld. ACJ-East, KKD Delhi on 03.12.2025. Put up for report on warrants on 24.12.2025. DH shall file an affidavit alongwith PF that there is no stay from the Higher Court on the present execution proceedings. Steps be taken within one week from today.”

7. Learned Counsel for the petitioner further submits that the warrant of possession in respect of the suit property has already been executed.

8. The argument of the learned Counsel for the petitioner that the petitioners are tenants in the suit premises and that they have been dispossessed from the suit premises in the execution proceedings without due process of law cannot be sustained in the present petition as this court does not find any infirmity in the impugned order. The petitioner can avail other legal



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remedies as available to them in accordance with law to enforce their legal rights, if any, in respect of the suit property.

9. Accordingly, the present petition is dismissed being devoid of any merits. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 20, 2026/v/tp