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

+ W.P.(C) 3090/2016

SUDHIR KUMAR AND ANR Petitioners
Through: Mr. Bhupesh Narula, Advocate.

versus

VIDYA DEVI AND ANR Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **08.04.2016**

CM Appl. 13104/2016 (exemption) in W.P.(C) 3090/2016

Allowed, subject to just exceptions.

W.P.(C) 3090/2016 & CM Appl. 13103/2016

Present writ petition has been filed challenging the orders dated 21st January, 2016 and 11th February, 2016 passed by the Maintenance Tribunal for Senior Citizens and the Appellate Tribunal whereby interim status quo order has been granted in respect of property bearing Khasra No.43/16/2 (1.00) Bigha and 43/17/1 (0.18) Biswas situated in the revenue estate of village Mundka, Delhi-110041.

It is pertinent to mention that at the present moment the matter is pending consideration before the Mediator.

Learned counsel for petitioners states that petitioners' appeal has been rejected on the sole ground that no final order has been passed and that too

without hearing the petitioners. He further states that status quo order cannot be granted against the original owner.

A perusal of Section 16 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 clearly reveals that an appeal against the order of the Maintenance Tribunal can be filed by only a senior citizen or parent.

It is settled law that an appeal is a creature of the statute and if the statute does not provide for an appeal, no appeal can be filed.

This Court has examined the interim order and is of the view that it fully protects the rights of all the parties pending the adjudication of the petition filed by the respondents. This Court has no doubt that the issue of ownership shall be dealt with by the Maintenance Tribunal in accordance with law at the appropriate stage. Consequently, in writ jurisdiction no interference is called for.

Accordingly, present writ petition and application are dismissed.

MANMOHAN, J

APRIL 08, 2016

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