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

+ W.P.(C) 6348/2016

VIOLET DASS

..... Petitioner

Through: Mr Rajneesh Roshan, Advocate.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr Varun Nischal, Advocate with SI
Randheer, PS Fatehpur Beri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.08.2017

1. The petitioner has filed the present petition, *inter alia*, impugning an action taken report (ATR) dated 11.05.2016. The petitioner had filed a complaint against her daughter-in-law, Smt Renu with the police authorities and sought her eviction from the house bearing Plot No. 5, Third Floor, Khasra No. 789 & 790, Asola Extension, Chhatarpur, New Delhi-110074. The police authorities had not taken any action, as they found that the matter was of civil nature and no cognizable offence was made out.

2. It is the petitioner's case that her son got married to respondent no.2 on 21.04.2006. It is stated that on 22.08.2014, the petitioner sold her flat (bearing No. 151, Giri Nagar, Kalkaji, New Delhi-110019) and shifted to a rented flat at Fatehpur Beri, Delhi till another flat was bought. The petitioner claims that on 28.11.2014, the property in question (flat at Plot No. 5, Third

Floor C, Khasra No. 789 & 790, Asola Extension, Chhatarpur, New Delhi-110074) was purchased from the sale proceeds of the petitioner's flat. The sale proceeds were provided by the petitioner to her son, Mr Arun Kumar who had purchased the property in his name.

3. The learned counsel for the petitioner submits that the purchase of the property in question would in effect amount to a gift by the petitioner to her son and, for the purposes of Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, should be considered as a self acquired property. He also submits that the petitioner had proceeded to permit the purchase of the property directly in the name of her son only on the understanding that she would be taken care of in her old age.

4. The petitioner's son is present in Court and does not dispute the aforesaid submissions made on behalf of the petitioner.

5. It is apparent from the above that the petitioner may have recourse to the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007; however, this Court is not called upon in these proceedings to enter upon that controversy and, therefore, is refraining from making any further observations. It will be open for the petitioner to approach the Maintenance Tribunal constituted under the Act for appropriate relief.

6. Insofar as the present petition is concerned, it is clear that there is no infirmity in the action of the police authorities in closing the complaint on the ground that the disputes are essentially civil in nature. Thus, no relief can be granted to the petitioner in this petition.

7. The petition and the pending application are, accordingly, dismissed.

VIBHU BAKHRU, J

AUGUST 24, 2017
RK