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

+ W.P.(C) 5697/2017 and CM No. 23779/2017

SANDEEP SINGH BHATIA Petitioner
Through: Mr N.S. Dalal, Mr Aman Mudgal and
Mr Amit Dhankar, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS Respondents
Through: Ms Sweety Singh, Advocate for R-1
and R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.07.2017**

1. The petitioner has filed the present petition being aggrieved by the proceedings taken against him under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Maintenance Tribunal. The petitioner's father, S. Gurbachan Singh, had filed the complaint *inter alia*, claiming rights in respect of the property bearing no.D-45, Rajouri Garden, New Delhi (hereafter 'the property').

2. The property was *inter alia* the subject matter of disputes between the parties in suit No.391/11/2009, which was resolved by the parties in mediation before the Mediation Centre. The said suit instituted before the Learned Additional District Judge was disposed of in terms of the settlement agreement arrived at between the parties.

3. S. Gurbachan Singh, the complainant before the Maintenance Tribunal, had also instituted another suit being CS(OS) 306/2011 captioned as “*Gurbachan Singh Bhatia v. Sandeep Singh Bhatia*” before this Court, which was also disposed of in view of the amicable settlement arrived at between the parties. The statement of parties including the plaintiff therein (Sh. Gurbachan Singh) was recorded in the said proceedings.

4. The grievance of the petitioner is that the complainant is now seeking to overcome the decree of this Court by a collateral proceeding instituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

5. *Prima facie*, there is much merit in the petitioner’s contention that decree passed by this Court has become final and cannot be reopened in the manner as sought to be done before the Maintenance Tribunal. However, it is seen that no order adverse to the petitioner has been passed by the Maintenance Tribunal and, therefore, this Court is of the view that it would be apposite if the petitioner places his contentions before the Maintenance Tribunal in the first instance. It is expected that the Maintenance Tribunal shall consider the same and take an informed decision before proceeding further with the matter. Needless to state that, if aggrieved, the petitioner is at liberty to approach this Court.

6. The learned counsel appearing for respondent nos.1 and 2 states that the petitioner has been repeatedly threatening the members of the Maintenance Tribunal. Mr Dalal, learned counsel for the petitioner, disputes the same. In this regard, it is expected that the petitioner shall ensure that he

maintains proper conduct and acts in a befitting manner before the Maintenance Tribunal.

7. The petition and the pending application are disposed of.

8. Order *dasti*.

VIBHU BAKHRU, J

JULY 11, 2017
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