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

+ W.P.(C) 11645/2018

JAYANTI KHANAGWAL Petitioner

Through Mr. Yogesh Chhabra, Advocate.

versus

CHATUR SAIN AND ANR. Respondents

Through Ms. Sanmya Tandon, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **29.10.2018**

CM Appln. No.44995/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) No.11645/2018 & CM Appln. No.44994/2018

3. The petitioner has filed the present petition, *inter alia*, impugning an order dated 24.09.2018 passed by the District Magistrate directing eviction of the petitioner from the premises bearing No.A-1/232, Paschim Vihar, New Delhi 110063.
4. The petitioner is the daughter-in-law of respondent No.1 who is the complainant before the District Magistrate. It is apparent that the said order has been passed under Rule 22 (3)(1) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 as amended by the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment)

Rules, 2016.

4. Learned counsel for the petitioner contends that the petitioner is not a legal heir and, therefore, the said provision is not applicable to the petitioner. This issue is no longer *res intergra* and is covered against the petitioner by a decision of this Court in ***Smt. Darshna v. Government of NCT of Delhi & Ors. in WP(C) No.6592/2018 decided on 18.07.2018.***

5. Learned counsel for the petitioner seeks to withdraw the present petition with liberty to agitate other issues by filing an appeal before the Divisional Commissioner, Delhi in terms of Rule 22 (3) (4) of the said Rules.

6. The petition is dismissed as withdrawn with the aforesaid liberty. Pending application is also disposed of.

7. It is seen that the impugned order also records the statement of the husband of the petitioner that he would accommodate her in a rented accommodation along with him. In this regard, it is clarified the concerned Authority shall also ensure that the undertaking given by the husband of the petitioner to accommodate her in a rented accommodation is also implemented simultaneously.

8. This is subject to any further orders that may be passed in the appeal, if any, that may be preferred by the petitioner.

9. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 29, 2018
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