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

+ **W.P.(C) 1591/2019**

MASTER VIRAT CHHIKARA

..... Petitioner

Through Mr Mukesh Anand, Mr Krishan Kumar,
Advocates.

versus

THE STATE (NCT OF DELHI) & ORS

..... Respondents

Through Ms Hetu Arora Sethi, ASC/GNCTD with
Mr Siddharth Agarwal, Advocate for R1 and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **15.02.2019**

CM APPL. 7328/2019

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

W.P.(C) 1591/2019 & CM APPL. 7327/2019

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

“issue a Writ(s) / order(s) or direction(s) in the nature of writ of mandamus thereby directing the respondent No.5 to register and hear the appeal of the petitioner filed vide CD/Case Diary No. 30219 dated 19.11.2018 and grant opportunity to the petitioner (who is a minor) to be represented through his counsel to address the arguments accordingly”

4. By an order dated 13.11.2018 passed in W.P. (C) 12087/2018, this Court had permitted the petitioner to withdraw that petition with liberty to file an appeal against the order dated 12.09.2018 passed by the District Magistrate under Rule 22 (3) (1) of the 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.

5. The petitioner's mother had also preferred a similar writ petition, which was also withdrawn on terms as allowed. This Court is informed that the petitioner's mother, who is also a natural guardian of the petitioner hereunder, has already preferred an appeal against the order dated 12.09.2018. In this view, it is directed that the petitioner's appeal be also tagged along with the same and be heard together.

6. Insofar as the petitioner's prayer, that he be permitted to be represented by a counsel is concerned, the same cannot be acceded to in view of the provision of Section 17 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and there is no challenge to the said provision.

7. Thus, the petitioner would have to be represented by his natural mother and natural guardian. However, this Court is informed that the petitioner's mother is an uneducated lady and, therefore, may not be able to effectively represent her case. The learned counsel appearing for the petitioner requests that her brother may be permitted to accompany her and also represent her and the petitioner herein. This Court finds no reason to deny the aforesaid request, particularly, considering that the

petitioner's mother is a widow.

8. In this view, the Divisional Commissioner, respondent no.5, is requested to permit the petitioner to be represented through her mother along with her brother (Mr Jai Pal Malik).

9. The petition is disposed of the aforesaid terms. The pending application stands disposed of.

10. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

FEBRUARY 15, 2019

pkv