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

+ **W.P.(C) 1677/2019**

MR. JITENDER KUMAR AND ANR. Petitioners

Through: Mr Rahul Tewari, Advocate.

versus

SH. BADRI PRASAD CHAURAI SA Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.02.2019

CM No. 7671/2019

1. Allowed, subject to all just exceptions.

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2. The petitioners have filed the present petition, *inter alia*, impugning an order dated 18.01.2019 passed by the District Magistrate under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (hereafter 'the Rules'), as amended from time to time. By virtue of the said order, the petitioners have been directed to vacate the premises bearing No. WZ-III-B/55, Vishnu Garden, New Delhi (hereafter 'the Property').

3. It is the petitioners' case that the Property does not exclusively belong to the respondent (the father of petitioner no.1 and the father-in-law of petitioner no.2). It is contended that the Property was in the name of Smt. Lakhpati Devi, the deceased wife of the respondent. The petitioners claim

that petitioner no.1 would also inherit a part of the Property, as Smt. Lakhpati Devi had expired intestate. The learned counsel appearing for the petitioner states that since the Property is not a self acquired property of the respondent, the impugned order directing the respondents to vacate the same is not sustainable.

4. The above contention is unmerited. In view of the amendments introduced in Rule 22(3) of the Rules by virtue of the Delhi Welfare of Parents and Senior Citizens (Amendment) Rules, 2017, it is no longer necessary for a property to be self acquired by the senior citizen in order to entitle him to maintain an application under Rule 22(3) of the Rules.

5. Having stated above, insofar as the merits are concerned, it is seen that the petitioner has an equally efficacious remedy by way of an appeal to the Divisional Commissioner. The petition is, accordingly, dismissed leaving it open for the petitioner to avail of its alternative remedies.

6. It is clarified that if the appeal is filed within a period of one week from today, the same would be considered by the Divisional Commissioner, uninfluenced by the question of delay.

VIBHU BAKHRU, J

FEBRUARY 18, 2019
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