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

+ **W.P.(C) 3281/2019 & CM APPL. 15100/2019**

AKANSHA MALHOTRA

..... Petitioner

Through Mr Johnson Subba, Advocate.

versus

GOVT. OF NATIONAL CAPITAL

TERRITORY OF DELHI & ORS.

..... Respondents

Through Mr Shefali Vohra, Advocate for
R1/GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.07.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 27.02.2019 passed by the District Magistrate (East) under Rule 22 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (hereafter 'the Rules').
2. Respondent no.2 who is the mother-in-law of the petitioner had filed an application before the District Magistrate seeking eviction of the petitioner and respondent no.3 (who is the son of respondent no.2) from the premises bearing no. C-23, Old Govind Pura, Delhi-110051. The said application was allowed by the impugned order.
3. The petitioner has already filed an appeal before the Divisional Commissioner in terms of Rule 22(3)(4) of the said Rules. The learned counsel appearing for the respondents states that the said appeal is now

listed for hearing on 31.07.2019.

4. The petitioner is pursuing the present petition for the limited relief for grant of stay of the impugned order during the pendency of the appeal.

5. Notice in the present petition was issued on 01.04.2019 and this Court had stayed the operation of the impugned order till today. However, the notice has not been served upon respondent nos. 2 and 3 since the petitioner has failed to take the necessary steps.

6. This Court does not consider it apposite to keep the present petition pending in view of the statement that the appeal preferred by the petitioner is now listed on 31.07.2019.

7. The present petition is disposed of by extending the *ad-interim* order till 31.07.2019. The Divisional Commissioner is requested to take up the appeal and dispose of the same as expeditiously as possible. It is clarified that the *ad-interim* order passed by this Court ought not be construed as an expression of opinion of this Court (either *prima facie* or otherwise) on the merits of the controversy and the Divisional Commissioner shall decide the petitioner's appeal uninfluenced by the orders passed by this Court.

8. The Appellate Authority may, if it deems fit, extend the *ad-interim* order till the disposal of the appeal.

9. The pending application also stands disposed of.

VIBHU BAKHRU, J

JULY 03, 2019

pkv