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

+ **W.P.(C) 7136/2019**

ANJU JANI

..... Petitioner

Through: Counsel for the petitioner (appearance
not given).

versus

VEENA BHOJWANI & ORS

..... Respondents

Through: Ms Saumya Tandon, Advocate for R-
2 and R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.07.2019

CM No.29697/2019

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, impugning an interim order dated 01.07.2019 passed by the Divisional Commissioner in an appeal preferred by the petitioner against an order dated 04.06.2019 passed by the District Magistrate. The District Magistrate had passed the said order under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 directing the petitioner to vacate the property bearing no.K-5/B, Ground Floor, Lajpat Nagar-II, New Delhi -110024. The Divisional Commissioner has not acceded to the petitioner's request for staying the order passed by the District Magistrate, which was impugned before him, in view of the finding of the District Magistrate that respondent no.1 was a senior citizen aged about 80 years and was facing harassment and

ill treatment both mentally and physically at the hands of the petitioner and her children. It was further noted that respondent no.1 had apprehension regarding threat to her life from petitioner and her children and, accordingly, had been residing in a temple despite her owning the said property.

3. It is the petitioner's case that the property in question belonged to her deceased father, Shr K.C Bhojwani, and she as his legal heir was entitled to a share in the said property. It is also alleged that the petitioner's brother (who is a resident of South Africa) had sold part of the said property and had also taken away the entire consideration received from the account of respondent no.1.

4. It is clear from the above that respondent no.1, being the widow of Late Shri K. C. Bhojwani, has the to reside in the property in question. Although, the petitioner claimed an oral partition of the property, there does not appear to be any material to support the same. The proceedings under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 is not concerned with the dispute regarding title of immovable properties; it is concerned with the welfare of the senior citizens. Thus, undoubtedly, respondent no.1 is required to be protected.

5. In view of the serious allegations of physical assault and mental harassment, the decision of the Divisional Commissioner to not stay the order of eviction against the petitioner, cannot be faulted.

6. This Court finds no merit in the present petition and the same is, accordingly, dismissed.

VIBHU BAKHRU, J

JULY 05, 2019/MK