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

+ W.P.(C) 8383/2019

MRS. SHALINI BHATIA

..... Petitioner

Through: Mr Naveen Chawla, Advocate.

versus

PRITAM BHATIA AND ANR.

..... Respondents

Through: Mr M. Wdhwani, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**02.08.2019**

**CAV No.775/2019**

1. The learned counsel for the caveator/respondents has entered appearance.
2. The caveat stands discharged.

**CM No.34634/2019**

3. Allowed, subject to all just exceptions.

**W.P.(C) 8383/2019 & CM No.34633/2019**

4. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the Divisional Commissioner to urgently list and hear the petitioner's appeal against the order dated 06.07.2019 passed by the District Magistrate. The petitioner also prays that her application for stay of the said order be also decided expeditiously.

5. The petitioner is aggrieved by the order dated 06.07.2019 passed by the District Magistrate (West), Delhi. The said order was passed pursuant to a complaint preferred by the respondents under Section 22(3) of the Delhi Maintenance and Welfare of Parents & Senior Citizens Rules, 2009 seeking eviction of the petitioner from the portion of the property bearing no.47/16, East Patel Nagar, New Delhi. (Entire second floor and one room on the ground floor).

6. The petitioner is the daughter-in-law of the respondents. The respondents are at advanced age (respondent no.1 is aged about 81 years and respondent no.2 is aged about 72 years). They had complained that they are living under constant fear, lack of dignity, without peace and they are uncomfortable in their own house.

7. There are matrimonial disputes between the petitioner and her husband and the petitioner has also instituted several proceedings against her husband as well as respondents. The petitioner has also made an allegation of rape against respondent no.2 (who is 81 years of age). Keeping in view the aforesaid contentions, the District Magistrate has passed the order directing that the petitioner be evicted from the premises in question, which admittedly belong to the respondents.

8. The learned counsel appearing for the respondents points out that the petitioner is not living in the said premises and is residing with her mother in Sheikh Sarai, New Delhi. This is also not disputed by the learned counsel appearing for the petitioner. He, however, states that the petitioner is entitled to visit her matrimonial home.

9. This Court finds no infirmity with the order passed by the District

Magistrate. This Court is also of the view that the ad interim order, as prayed for by the petitioner, ought not to be granted. First of all, there is no requirement for any such urgent orders considering that the petitioner is not residing in the said premises. More importantly, considering the nature of the allegation made by the petitioner, it is necessary that the contact between the petitioner and the respondents be minimised to ensure that the respondents can live in peace in their own house.

10. In view of the above, this Court does not find any ground to interfere with the present petition.

11. It is clarified that the petitioner's appeal will be heard in due course and in accordance with law.

12. The petition is disposed of. The pending application also stands disposed of.

**VIBHU BAKHRU, J**

**AUGUST 02, 2019**  
**MK**