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

+ **W.P.(C) 8634/2019**

SMT. SIMRAN KAUR

..... Petitioner

Through: Mr Rakesh Wadhwa and Mr Sahil
Sharma, Advocates.

versus

STATE OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Naushad Ahmed Khan, ASC
(Civil), GNCTD with Mr Zahid
Hanief and Ms Manisha Chauhan,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.08.2019

1. The petitioner has filed the present petition impugning an order dated 06.07.2019 passed by the District Magistrate, in a complaint filed under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizen (Amendment) Rules, 2016.
2. By the impugned order, the petitioner – who is the daughter-in-law of respondent nos.2 and 3 – has been directed to vacate the property bearing no.D-12/B, Rajouri Garden, New Delhi-110087.
3. Respondent nos.2 and 3 – who are senior citizens aged about 73 years and 65 years respectively – had filed the aforesaid complaint, *inter alia*, alleging that they have been forced to reside outside their house in view of the conduct of the petitioner. It was also alleged that she has been using

harsh words and filthy language and has also been humiliating the said respondents. It is also alleged that she was not residing at the said premises but had forcibly entered one room in the property in question, by physically assaulting the said senior citizens.

4. The District Magistrate had also called for the report from the concerned SDM and after examining the facts, directed that the petitioner be evicted from the premises in question.

5. A plain reading of the present petition indicates that there are matrimonial disputes between the petitioner and her husband. There are also serious disputes between the petitioner and respondent nos.2 and 3 (her in-laws). The petitioner has also filed an FIR alleging that the said respondents tried to eliminate her. It is also seen from the records that there are other FIRs filed by the petitioner alleging harassment and physical assault on part of the said senior citizens.

6. It is clear from the records that the petitioner and respondent nos.2 and 3 cannot live in the same house. This is also conceded by the learned counsel appearing for the petitioner. The learned District Magistrate also returned a finding that the property in question is a self-acquired property by respondent no.2.

7. In this view, the District Magistrate had rightly concluded that the petitioner would have to vacate the said premises in order that respondent nos.2 and 3 could reside in the said premises in peace and without any further threat.

8. After some arguments, learned counsel appearing for the petitioner states that the petitioner has to take care of her two minor children and

would require time to make alternative arrangements. He also states that the petitioner has recourse against her husband for claiming maintenance for herself as well as for her children. He states, on instructions, that the petitioner shall withdraw the appeal filed before the Divisional Commissioner if the petitioner is afforded two months' time to make alternative arrangements.

9. Given the limited relief sought by the petitioner, this Court does not consider it apposite to issue any notice to await representation on behalf of the respondents.

10. In view the above, the enforcement of the impugned order is stayed for a further period of eight weeks from today. It is clarified that this is on an unequivocal undertaking tendered by the petitioner, who is present in the Court, that she shall vacate the premises within the aforesaid period of two months, notwithstanding whether she secures any appropriate order of maintenance against her husband or not.

11. It is also pointed out that the petitioner has filed certain proceedings before the learned Metropolitan Magistrate seeking relief against her husband for maintenance and for directing him to provide alternative accommodation.

12. This Court requests the concerned Magistrate to consider the petitioner's application and dispose of the same as expeditiously as possible and preferably, within a period of four weeks from today.

13. It is, however, clarified that the pendency of the said petition/application would not, in any way, absolve the petitioner, from complying with the undertaking given to this Court today.

14. The petition is disposed of with the aforesaid observations.
15. The petitioner shall sign this order as a token of having understood the import of this order as well as the undertaking given to this Court.
16. Order *dasti* under signatures of the Court Master.

AUGUST 08, 2019
MK

VIBHU BAKHRU, J