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

+ W.P.(C) 2515/2018

RAVINDER KUMAR JAIN Petitioner
Through: Mr Rajni Kant, Advocate.

versus

STATE (GNCTD) AND ORS. Respondents
Through: Ms Anya Singh, Advocate for R-1.
Mr Sudhir Mendiratta, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.02.2019**

1. The petitioner is a senior citizen and has filed the present petition impugning an order dated 22.08.2017, passed by the District Magistrate under the Delhi Maintenance and Welfare and Parents of Senior Citizens (Amendment) Rules, 2016. The said order was passed pursuant to an application filed by the petitioner, *inter alia*, seeking eviction of his son and daughter-in-law from the property bearing No. i.e. B-181, First Floor (Front side), Vivek Vihar, Delhi-110095.
2. Although, the said application was filed under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the said application was rightly not considered under the said provision, but treated as an application under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009, as amended in 2016.
3. It is seen that the petitioner has an equally efficacious remedy of filing an appeal before the Divisional Commissioner, under Rule 22(3)(4) of the

Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.

4. In this view, the present petition is disposed of, with the liberty to the petitioner, to file an appeal before the Divisional Commissioner. It is further directed that if such an appeal is filed within a period of two weeks from today, the same would be considered uninfluenced by the question of delay.

5. Order *dasti* under signature of Court master.

VIBHU BAKHRU, J

FEBRUARY 25, 2019
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