

\$~43

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

+ W.P.(C) 6427/2018 & CM Nos. 24710/2018, 28969/2018

SUNAINA DALMIA

..... Petitioner

Through: Mr Dayan Krishnan, Sr. Advocate
with Mr Shabyashachi Patra, Ms
Ritika Ahuja and Mr Ratnil Chauhan,
Advocates.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Pravesh Thakur, Advocate for R-
1.
Mr Mohit Jolly with Mr Vikas
Malhotra and Mr Sarthak Gupta,
Advocates for R-2 and R-3.
Mr Samar Bansal Mr Devahuti Pathak
and Mr Manan Shishodia, Advocates
for R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

11.01.2019

1. Mr Krishnan, learned senior counsel appearing for the petitioner seeks to withdraw the present petition with liberty to avail of the Appellate Remedies before the Divisional Commissioner in terms of Rule 22(3)(iv) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009. He further requests that the delay in filing the appeal be condoned as the petitioner has been pursuing his remedies before this Court. The said request is not opposed.

2. In view of the above, the petition is dismissed as withdrawn with the liberty to the petitioner to avail of her appellate remedies under the aforesaid Rules. It is further directed that the status quo as to the property in question shall be continued till further period of two weeks from today. In the event, the petitioner files an appeal within the said period, the same would be considered uninfluenced by the question of delay.
3. It is clarified that this Court has not expressed any opinion (*prima facie* or otherwise) as to the order dated 21.05.2018 passed by the District Magistrate. It is further directed that if the appeal is preferred within the aforesaid period, the Divisional Commissioner shall also consider the question of interim relief uninfluenced by any orders passed by this Court.
4. All pending applications stand disposed of.
5. Order *dasti* under signatures of the Court Master.

JANUARY 11, 2019
MK

VIBHU BAKHRU, J