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

+ **W.P.(CRL) 2254/2018**

SMT. MAYA DEVI

..... Petitioner

Through Mr R.P.A. Jaiswal, Advocate with
petitioner.

versus

THE COMMISIONER OF POLICE
AND OTHERS

..... Respondents

Through Ms Nandita Rao, ASC Crl. with Mr Amit
Peswani, Advocate for GNCTD. SI Ganga Pal.
P.S. Sarai Rohilla.
Mr Akshay Bhatia, Advocate for R3 and R4 with
R3 and R4 in person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.10.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent nos. 1 and 2 to provide adequate security to the petitioner to enable her to live peacefully.
2. The present petition has been moved on account of disputes between the petitioner and respondent nos. 3 and 4, who are the son and daughter-in-law of the petitioner.
3. Respondent nos. 3 and 4 reside on the first floor of the premises bearing no. 18/99, Gali No. 8, East Moti Bagh, Sarai Rohilla, Delhi. Respondent no.3 also runs a shop on the ground floor of the said premises.

He had undertaken to this Court to vacate the shop on the ground floor in order that the petitioner could reside peacefully on the ground floor.

4. However, despite making statements before this Court, respondent nos.3 and 4 had failed to take the necessary steps to vacate the premises. They had also avoided the processes of the Court. Resultantly, non-bailable warrants were issued against respondent nos. 3 and 4 and they have now been produced in Court.

5. Respondent no.3, who is present in Court, states that he has brought the keys of the ground floor and is ready and willing to hand over the same. He further states that his goods are lying at the said shop and he would require to remove the same.

6. Respondent no.3 shall remove his goods by 5 PM tomorrow, that is, 17.10.2019. The Investigating Officer shall verify whether the goods have been so removed. Respondent no. 3 shall hand over the keys to the petitioner at site in the presence of the IO at 5.00 p.m. on 17.10.2019.

7. Pursuant to the orders passed by this Court on 13.09.2019 District Magistrate has also passed an order allowing the petitioner's application under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009. In terms of the said order, respondent nos. 3 and 4 are also required to vacate the first floor of the premises in question. The learned counsel appearing for respondent nos. 3 and 4 states that the said respondents are entitled to challenge the said order before the Divisional Commissioner and respondent no. 3 and 4 would like to avail of the said remedy.

8. Whilst it is open for respondent nos. 3 and 4 to avail of their remedies

against the order passed by the District Magistrate, it is clarified that unless an interim order granting stay is granted by the Divisional Commissioner, respondent no. 3 and 4 shall vacate the premises within the time stipulated in the order passed by the District Magistrate.

9. Needless to state that if the petitioner is aggrieved by any further misbehaviour or any conduct of respondent nos. 3 and 4, she would be at liberty to approach the concerned SHO who shall do the needful in accordance with law.

10. In view of the above, no further orders are required to be passed in this petition. The same is disposed of.

11. Respondent nos. 3 and 4 are present in Court. Non-bailable warrants against them are discharged.

12. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

OCTOBER 16, 2019

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