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

+ **W.P.(C) 12008/2018 & CM APPL. 46533/2018**

INDERJIT SINGH & ANR

..... Petitioners

Through Mr Gautam Gupta, Advocate.

versus

DEPUTY COMMISSIONER / DISTRICT

MAGISTRATE & ANR

..... Respondents

Through Mr Madhu Sudan Bhayana, Advocate
for R2.

Mr Tarun Diwan, Advocate for R2 with R2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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20.02.2019

1. The petitioners have filed the present petition, *inter alia*, impugning an order dated 16.10.2018 passed by the District Magistrate, whereby the petitioners have been directed to hand over the physical possession of the property - Second Floor (with roof rights), House No. 1497-A, Wazir Nagar, Kotla Mubarakpur, New Delhi - 110030. It is seen that petitioner no. 1 and respondent no. 2 are siblings.

2. The learned counsel appearing for respondent no.2 submits that the present complaint would be maintainable, as siblings are also heirs of one and another. However this Court is, *prima facie*, of the view that a dispute between siblings is not maintainable under Rule 22(3)(1) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules,

2009, as amended. However, it is not necessary to examine the said controversy in this petition, as the petitioners have an equally efficacious remedy of an appeal under Sub-rule (4) of Rule 22(3) of the said Rules. Accordingly, the present petition is disposed of, by leaving it open for the petitioners to avail of alternate remedies.

3. It is clarified that if an appeal is filed within a period of two weeks from today, the Divisional Commissioner shall consider the said appeal, uninfluenced by the question of delay.

4. This Court considers it apposite to direct that status *quo* be maintained till the petitioners have an opportunity to seek remedies before the Divisional Commissioner in this regard. Accordingly, the parties are directed to maintain status *quo* for a further period of four weeks from today. It is further clarified that this would be subject to any further orders that may be passed by the Divisional Commissioner.

5. The pending application is also disposed of.

6. Order *dasti* under signatures of the court master.

VIBHU BAKHRU, J

FEBRUARY 20, 2019

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