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

+ W.P.(C) 41/2020

SEEMA GOGIA

..... Petitioner

Through

Mr.Murari Tiwari and Mr.Rahul
Kumar, Advs.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through

Mr.Satinder Singh, Adv.for R-2 & 3.
SI Sunil Chandra, PS Moti Nagar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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08.01.2020

CAV. 4/2020

As the learned counsel for the Caveators appears on advance notice,
the Caveat stands discharged.

CM No.158/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 41/2020 & CM No.157/2020 (Stay)

1. This petition has been filed by the petitioner challenging the order dated 03.12.2019 passed by the learned District Magistrate-West, Government of NCT of Delhi, under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read with the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.
2. In view of the judgment of this Court in *Sudesh Chhikara vs. State (Govt. of NCT of Delhi) and Ors.*, 2018 SCC OnLine Del 12365, the said

order is appealable under Clause (i) of Rule 22(3)(4) of the Rules and the petitioner has an alternate efficacious remedy in form of an appeal.

3. The learned counsel for the petitioner, however, submits that the time granted by the learned District Magistrate to vacate the property has expired and therefore, the petitioner apprehends that while the petitioner files the appeal, she may be evicted from the property in question.

4. Keeping in view the submissions made, while dismissing the present petition granting liberty to the petitioner to avail of her alternate remedy in form of an appeal, it is directed that a Status Quo with respect to the possession of the property be maintained, subject to the condition that the petitioner avails of her appellate remedy within a period of ten days from today.

5. The order of Status Quo shall continue till the issue of continuation/vacation thereof is considered by the Appellate Tribunal. The Appellate Tribunal is directed to consider the issue of interim stay and appeal expeditiously. It is made clear that this Court has not expressed any opinion on the merits of the submissions made by the petitioner in the present Writ Petition and the appeal, as and when filed, shall be considered by the Appellate Tribunal independently and in accordance with law.

Dasti.

NAVIN CHAWLA, J

JANUARY 08, 2020/Arya