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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2911/2020
SMT. SEEMA GOGIA Petitioner
Through: Mr. Murari Tiwari, Advocate.
versus

STATE (NCT OF DELHI) & ORS. Respondents
Through: None

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI
ORDER
% **15.05.2020**

CM APPL. No. 10940/2020 (for exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

CM APPL. No. 10939/2020 (for grant of extension of time to vacate)

This application has been made in the writ petition which already stands disposed of by order dated 18.03.2020, by which order it was directed that impugned orders dated 03.12.2019 and 10.02.2020 would not be enforced for a period of 2 months.

2. The petitioner is the daughter-in-law of respondent Nos. 2 and 3 and has suffered an order dated 03.12.2019 made by the learned District Magistrate, West District in Case No. Eviction (169)/dcw/2019/2623, ordering eviction of the petitioner (and her husband/respondent No. 4) from property bearing No. A-155 Sudershan Park, Moti Nagar, New Delhi; which order was upheld *vidé* order dated 10.02.2020 made by the learned Divisional Commissioner under the Delhi Maintenance & Welfare of

Parents and Senior Citizens Rules 2009 in Appeals bearing Nos. 204/2019 and 205/2019, thereby *refusing to grant interim* stay of order dated 03.12.2019. The present petition has been filed only by the wife, with the husband as respondent No. 4.

3. While disposing of this petition by order dated 18.03.2020, this court had *inter-alia* recorded that :

“The learned counsel for the petitioner, on instructions submits that the petitioner, without prejudice to the rights and contentions of the petitioner in the appeal, would vacate the property in dispute within two months from today.

Recording the above submission and binding the petitioner with the same, the present petition is disposed of directing that the Impugned order be not enforced for a period of two months.

The Appellate Tribunal shall consider the appeal filed by the petitioner remaining uninfluenced by the present order.

x x x x x x ”

(Emphasis supplied)

4. Mr. Murari Tiwari, learned counsel for the petitioner contends that in view of the prevailing lockdown which was imposed almost immediately after the passing of order dated 18.03.2020, the petitioner has not been able to find alternate accommodation on rent for herself and her family comprising her husband and two school-going children.
5. Mr. Tiwari further contends that the petitioner’s husband is a street vendor who sells goods in weekly markets and is unable to earn a livelihood due to the prevailing lockdown. In the circumstances, by

way of the present application, the petitioner prays that operation of eviction order dated 03.12.2019, in which no interim relief was granted by the appellate forum's order dated 10.02.2020, be stayed till the petitioner finds alternate accommodation on rent for herself and her family. It is urged therefore that the time of 2 months granted by order dated 18.03.2020 to vacate the subject premises be extended in view of the lockdown. It is pointed-out that Order dated 18.03.2020 was made without issuing notice to the contesting respondents.

6. In the prevailing situation of a nation-wide lockdown, I find no alternative except to agree with Mr. Tiwari's contention inasmuch as during this period the petitioner would not have been able to find alternate accommodation, make arrangements and to move lock, stock and barrel with her husband and children to any other place.
7. In the circumstances, the time of 2 months granted by order dated 18.03.2020 is extended by a period of 45 days.
8. As a *sequitur*, it is directed that impugned orders dated 03.12.2019 and 10.02.2020 shall not be enforced for the said period of 45 days.
9. The application stands disposed of in the above terms.

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10. The writ petition already stands disposed of *vidé* order dated 18.03.2020.

ANUP JAIRAM BHAMBHANI, J.

MAY 15, 2020/j