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

+ **W.P.(C) 3656/2020**

SHAILY SINGLA

..... Petitioner

Through: Mr.Jitender Chaudhary and
Ms.Shilpi, Adv.

versus

GOVT OF NCT OF DELHI & ORS Respondents

Through: Ms.Saumya Tandon, Adv. for R-1-2.
Mr.Jagdish Sethi, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **22.06.2020**

This hearing has been held through video conferencing.

CM No.13055/2020 (Exemption from filing notarized affidavit and affixing of court fee)

1. This application has been filed seeking exemption from filing duly notarised affidavit and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.
2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.
3. Application is disposed of.

CM No.13056/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 3656/2020 & CM No.13054/2020 (Stay)

1. This petition has been filed by the petitioner challenging the order dated 13.03.2020 passed by the District Magistrate (West District) in Eviction Case No.(56)/DCW/2017/293 titled ***Shri Rajinder Prasad Singla & Anr. vs. Smt. Shaily Singla***, directing the petitioner to evict from the subject property that is House No.B-5/7, Mianwali Nagar, New Delhi-110087 within thirty days of the said order.
2. Admittedly, an appeal lies to the Appellate Authority against the said order under the provisions of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.
3. The learned counsel for the petitioner submits that the appeals filed under the Rules are not being accepted due to the lockdown declared by the Central Government because of the Covid-19 pandemic.
4. The learned counsel for the respondent nos.1 and 2, however, submits that the said appeals are now being accepted and listed for hearing.
5. In view of the above, the learned counsel for the petitioner prays for leave to withdraw the present petition with liberty to file an appeal. He, however, submits that the petitioner apprehends that she may be evicted from the property while she is in the process of filing the appeal.
6. In view of the submissions made and considering that the order impugned has been passed on 13.03.2020, it is directed that subject to the condition that the petitioner files her appeal within a week from today, she shall not be evicted from the abovementioned property till such appeal/application seeking stay of the order dated 13.03.2020 is considered by the Appellate Authority.

7. Needless to say, the Appellate Authority on consideration of the application of stay shall be free to pass an order either extending/modifying or vacating the interim order granted today. 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 petition.

8. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

JUNE 22, 2020/rv