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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6229/2020
LAXMAN & ORS. Petitioners
Through Mr.Saurabh Jhamb, Adv.

versus

THE STATE (NCT OF DELHI) & ORS. Respondents
Through Ms.Sangita Rai, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **10.09.2020**

This hearing has been held by video conferencing.

CM 22280/2020 (exemption)

Allowed, subject to all just exceptions.

WP(C) 6229/2020 & CM 22281/2020

1. This petition has been filed by the petitioners challenging the order dated 06.08.2020 passed by the District Magistrate under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as the "Act") and Rules framed thereunder, directing as under:

"With careful analysis of the submissions of the Applicant and all the Opposite Parties and considering the documents presented before this Tribunal and by observations and analysis of the findings and respective legal provisions applicable to this case and honouring the related judgments of Hon'ble Supreme Court and High Courts, this tribunal issues following directions:

1) The Opposite Party No.1, Opposite Party No.2, Opposite Party No.3, Opposite Party No.4 and Opposite Party No.5 are directed to vacate the Applicant house no.12, Khasra No.15/17/1, Netaji Subhash Chandra Bose Marg, Kardam Farm, Johripur, Karawal Nagar,

Delhi-110094. This direction shall be binding upon Opposite Party no.1 and Opposite Party No.2 and their five children Gajendra (Opposite Party No.3), Dharmendra (Opposite Party No.4), Monika (Opposite Party No.5) and Rohit and Khushi.

2) The above mentioned Opposite Parties who are staying in the 2nd floor (after ground and 1st floor) of above mentioned house, shall take all their household belongings with them which are their own. The packing up and clearance of such belongings shall be done in presence of the Applicant.

3) The above mentioned Opposite Parties after vacating the 2nd floor (after ground and 1st floor) of the house of Applicant shall have no option to shift their belongings to any other floor of the same house and they shall not occupy any space of such house.

4) The above mentioned Opposite Parties and their children, if any, shall peacefully vacate the house of Applicant within thirty days from the date of this order.

5) After vacating the house, the above mentioned Opposite Parties including the children named Rohit and Khushi of Opposite Party No.1 and Opposite Party No.2, and representative or other legal heir, if any, of Opposite Party No.3, Opposite Party No.4 and Opposite Party No.5 shall not enter the house of Applicant in future without consent of the Applicant.

6) The above mentioned Opposite Parties shall not misbehave in any manner with the Applicant.

7) That SHO, PS Karawal Nagar is directed to ensure implementation of the above said direction in true letter and spirit and put the Applicant in possession of his 2nd floor (after ground and 1st floor) and as well as entire house. The SHO shall depute beat staff for regular visits to ensure that life and property of the senior citizen parent, the Applicant is safe and secured. The SHO is further directed to send compliance report to the Tribunal on execution of the above directions."

2. The above order being appealable under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules (Amendment) Rules, 2016, the petitioners have an alternate efficacious remedy, which they have not availed.

3. The petition is accordingly dismissed leaving it open to the petitioners to avail of their statutory remedy, if so advised.

NAVIN CHAWLA, J

SEPTEMBER 10, 2020
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