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

+ **W.P.(C) 5132/2022 & CM APPL. 15268/2022**

**SH. MANOJ & ORS.**

.....Petitioners

Through: Mr. Rahul Maurya, Mr. A. A. Siddiqui, Mr. Raj Mani Mishra, Mr. Fareeduddin and Mr. Madhur Maheshwari, Advocates with Petitioners in person.

versus

**THE SECRETARY-CUM-DIVISIONAL COMMISSIONER,  
DEPARTMENT OF REVENUE, GOVT. OF NCT OF DELHI AND  
ORS.**

.....Respondents

Through: Mr. Anuj Aggarwal, ASC with Mr. B. S. Rai, Mr. Harpuneet Singh, Ms. Harsimran Kaur and Mr. Summit Rastogi, Advocates for R-1 to 4 & 6. Mr. M. Hadibuddin, Advocate for R-5 with R-5 in person.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**19.07.2024**

1. Petitioners have filed the present writ petition challenging the order of the Divisional Commissioner dated 23<sup>rd</sup> February, 2022<sup>1</sup>, rejecting the appeal filed by Petitioners against the order dated 19<sup>th</sup> August, 2019<sup>2</sup>, passed by the District Magistrate under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 read with the Rules framed thereunder.

<sup>1</sup> Eviction Order No. PA/DIV. COMM./APPEAL NO. 161/2019/832-835

<sup>2</sup> Order No. F.NO.DM/EAST/EVICTION/2019/775-85



2. During the pendency of the present petition, Petitioners No. 3 and 4 have resolved their disputes with their mother, i.e., Respondent No. 5. Subsequently they have filed on record, a Memorandum of Settlement dated 10<sup>th</sup> May, 2023. Counsel for the parties state that, in so far as Petitioners No. 3 and 4 are concerned, they are willing to abide by the conditions of settlement and accordingly, the present petition can be resolved in terms thereof. It is ordered accordingly.

3. Today, the counsel for parties submit that Petitioners No. 1 and 2 are also willing to settle their disputes with Respondent No. 5 in terms of the conditions as previously agreed upon by Petitioners No. 3 and 4 and Respondent No. 5, which have also been recorded in the Memorandum of Settlement dated 10<sup>th</sup> May, 2023. As such, the dispute between the parties can be resolved in the following terms:

- (i) The family members will reside in the joint family property bearing House No. 16/268-269, Block 16, Trilokpuri, Samaspur, East Delhi, Delhi-110091, in the following manner:
  - (a) Ground Floor: Respondent No. 5
  - (b) 1<sup>st</sup> Floor: Sh. Darshan (son of Respondent No. 5) along with his family.
  - (c) 2<sup>nd</sup> Floor: Petitioner No. 1 and 2 along with their family.
  - (d) 3<sup>rd</sup> Floor: Petitioners No. 3 and 4 along with their family.
  - (e) 4<sup>th</sup> Floor: Currently vacant (Allotted to Sh. Mukesh, son of Respondent No. 5)
- (ii) Petitioners No. 1 and 2 undertake that they shall not, during the lifetime of Respondent No. 5, claim any share or any right in the aforesaid property.



- (iii) The parties will enjoy their rights in the said property in the afore-said manner and will be liable separately for the electricity, water and House tax etc. on their own.
  - (iv) The settlement shall also be binding upon successors, administrators, assigns, heirs, representatives etc. of the parties concerned.
  - (v) Petitioners No. 1 and 2 agree to get the pending partition suit no. CSDJ/345/2019 disposed of in light of the terms agreed herein.
  - (vi) It is further agreed between the parties that neither civil nor criminal proceedings shall be initiated by Petitioners No. 1 and 2 against Respondent No. 5 and *vice-versa* in any court/forum regarding the said property.
  - (vii) Petitioners No. 1 and 2 will not interfere the peaceful possession of Respondent No. 5 at the Ground Floor of the property and further they will take care of her in every possible way, and will not deny to help her in need if she asks the Petitioners No. 1 and 2 for the same. Further, they undertake to supply food and water to Respondent No. 5 whenever needed.
  - (viii) Respondent No. 5 being a retired government employee and a pensioner, will not claim maintenance amount from Petitioners No. 1 and 2.
  - (ix) Petitioners No. 1 and 2 also undertake that their son Mr. Nitin and his wife Mrs. Swati will not enter the premises in question without the permission of Respondent No. 5, at any time.
4. The parties are present in Court and have affixed their signatures to confirm the above terms of settlement.
5. In light of the above, considering that the dispute between Respondent



No. 5 and Petitioners No. 3 and 4 already stands resolved in terms of Memorandum of Settlement dated 10<sup>th</sup> May, 2023 and further, Petitioners No. 1 and 2 have also confirmed the terms recorded above, the present writ petition can be disposed of. It is made clear that the parties shall remain bound by the terms and conditions agreed upon hereinabove and the Memorandum of Settlement dated 10<sup>th</sup> May, 2023.

6. With the above directions, the writ petition is disposed of, along with pending application(s).

**SANJEEV NARULA, J**

**JULY 19, 2024**  
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