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

+ **W.P.(C) 5420/2024**

SANJEEV AGGARWAL

..... Petitioner

Through: Mr. Shakul R. Ghatole and Mr. Imran
Khan, Advocates

versus

GNCTD & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

16.04.2024

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(The proceeding has been conducted through Hybrid Mode)

Matter has been received on transfer

1. The petitioner, in the present petition, seeks the following reliefs:-

“(i) Issue a writ in nature of mandamus to the Respondent No. 2, i.e., the Appellate Tribunal/District Magistrate (West), to admit and allow the Appeal preferred by the Petitioner before it, and to further, issue a writ in the nature of prohibition, and direct the stay of the order dated 01.04.2024, passed by the Ld. ADM/Maintenance Tribunal, till the Appeal preferred by the Petitioner herein is disposed of by the Ld. Appellate Tribunal/District Magistrate (West).”

2. Learned counsel appearing for the petitioner submits that petitioner has filed the statutory appeal against the order of the ADM / Maintenance Tribunal dated 01.04.2024 whereby a registered gift deed dated 04.10.2023 executed by the mother namely Ms. Nirmal Bindal in favour of the present petitioner, was cancelled.

3. Learned counsel appearing for the petitioner submits that the said registered Gift Deed was unconditional and without considering



the same, the ADM by the impugned order has cancelled the said registered Gift Deed. Learned counsel submits that the petitioner has taken recourse to filing an appeal against the said order before the District Magistrate, the Appellate Authority to the ADM. Despite the same having been filed on 06.04.2024, it has not been listed till date. He submits that an application seeking urgent interim relief of stay of the application and the status quo in respect of cancellation of the registered Gift Deed was also filed, however, the same has not been taken up for consideration by the Appellate Tribunal. He submits that the petitioner only seeks a direction to the Appellate Tribunal to consider the appeal as also the interim application filed therein.

4. Keeping in view the oral relief sought by the learned counsel appearing for the petitioner on behalf of the petitioner, this Court is of the considered opinion that the said appeal be registered in accordance with law and be taken up for consideration at the earliest by the Appellate Tribunal. The date of hearing be fixed not later than 25.04.2024.

5. With the aforesaid directions, the petition is disposed of.

6. Learned counsel seeks interim relief of stay of the order dated 01.04.2024 passed by the ADM till the Appellate Court hears the matter. In the facts and circumstances of the case, this Court is not inclined to grant any such interim relief. Having said that Appellate Tribunal shall make all endeavours to dispose of the application seeking interim relief at the earliest.

TUSHAR RAO GEDELA, J

APRIL 16, 2024/ms