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

+ W.P.(C) 14382/2023

GIAN CHAND GUPTA Petitioner

Through: *Appearance not given.*

versus

SHASHI KUMAR GUPTA & ORS. Respondents

Through: Mr. Shiven Varma, Panel Counsel for R-3.

+ W.P.(C) 11732/2023

SMT. HEMLATA GUPTA & ANR. Petitioners

Through: Ms. Neelam Singh and Mr. Naresh Dagar, Advocates.

versus

SH. GAIN CHAND GUPTA & ANR. Respondents

Through: Ms. Mehak Nakra, ASC with Ms. Aditi Kapoor and Mr. Devansh Solanki, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

14.05.2024

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1. This Court on 05.09.2023 passed the following Order in W.P.(C) 11732/2023:

“W.P.(C) 11732/2023

1. The Petitioner has approached this Court challenging the Order dated 10.03.2023 passed by the



Appellate Authority of Divisional Commissioner disposing of appeal filed by the Petitioners and the Respondents.

2. It is stated by the learned Counsel for the Petitioners that Petitioner No.1 is the daughter-in-law and Petitioner No.2 is the son of the Respondent No.1. She states that vide para No.7 of the Impugned Order, the Petitioners have been asked to shift to the first floor of the Property bearing No.32, Kamla Park, Dharampura Road, Najafgarh, New Delhi (hereinafter referred to as 'property in question').

3. Learned Counsel for the Petitioner draws attention of this Court to the memorandum of appeal filed by the Respondent wherein it is stated that the property in question has only ground floor and there is no first floor. She, therefore, states that there is an error apparent on the face of record. She states that the Petitioners have constrained to approach this Court because there is no specific power of review conferred to the Appellate Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, and therefore, the matter has to be remanded back to the Appellate Authority.

4. Issue notice.

5. Ms. Mehak Nakra, learned ASC, accepts notice on behalf of Respondent No.2.

6. On payment of process fee, let notice be issued to Respondent No.1 through all modes, including Dasti.

7. Since notice has been issued only limited to the issue of remanding back the matter to the Appellate Authority, list on 19.10.2023."



2. There seems to be an error apparent on the face of record regarding the floors of the property in question. In view of the fact that there is no specific power of review conferred to the Authorities under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Impugned Order dated 10.03.2023 is set aside. The matters are remanded back to the Appellate Authority to consider the matter in light of the error pointed out by the Petitioner regarding the floors of the property in question. All rights and contentions of the Parties are left open.

3. In view of the above, the writ petitions are disposed of, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

MAY 14, 2024

S. Zakir