



2024:DHC:7500-DB



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

+ **LPA 966/2024 & C.M.Nos.56863-56866/2024**

SAMA JAHAN @ SHAMA PARVEEN

.....Appellant

Through: Ms.Sakshi Garg, Advocate.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms.Nitika Bhutani, Advocate for R-1.

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Date of Decision: 26th September, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present letters patent appeal has been filed challenging the order dated 19th February, 2024 passed by the learned Single Judge of this Court in W.P.(C) 7611/2022, whereby the writ petition filed by respondent no.2-petitioner was disposed of with directions to Subhan Jirjis (grandson of respondent no.2) and appellant-respondent no. 4 (widowed daughter-in-law of respondent no.2) to provide maintenance of Rs.20,000/- per month to the respondent no.2 in equal share i.e., Rs.10,000/- each.

2. Learned counsel for the appellant states that the impugned judgment was challenged by Subhan Jirjis in LPA 288/2024, which was dismissed by this Court on 09th April, 2024. She states that the challenge to the order

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dated 09th April, 2024 has been dismissed by the Supreme Court vide Order dated 17th May, 2024 in Special Leave to Appeal (Civil) No.11120/2024. She however states that the orders dated 09th April, 2024 and 17th May, 2024 are not binding upon the appellant as she was not a party to those proceedings.

3. She states that the appellant is widowed daughter-in-law of respondent no.2. She further states that apart from the rental income of Rs.13,500/- (from fourth floor of property), she has no other source of income. She states that upon payment of Rs.10,000/- to the respondent no.2, the appellant will be left with nothing.

4. We have heard the learned counsel for the appellant and perused the record. There is no dispute that the respondent no.2 is an 87 year old senior citizen, who is admittedly the owner of the subject property. The appellant, who is daughter-in-law of the respondent no.2 and Subhan Jirjis, who is grand-son of respondent no.2, have inherited the property through respondent no.2. It is also not in dispute that the basement and upper-ground floor of the subject property are not in habitable conditions. The fourth floor of the property is admittedly leased by the appellant at a monthly rent of Rs.13,500/-.

5. In the proceedings before the learned Single Judge, the respondent no.2 was seeking eviction of the appellant as well as Subhan Jirjis. The learned Single Judge, however, directed the appellant and Subhan Jirjis to pay a monthly maintenance of Rs.10,000/- each to respondent no.2, which is within the jurisdiction of the court/tribunal under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



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6. Consequently, in our view, the learned Single Judge has rightly directed the appellant and Subhan Jirjis to pay maintenance to respondent no.2, especially when it is respondent no. 2 who is the owner of the property and the appellant is receiving rent in excess of the maintenance directed to be paid to respondent no. 2.

7. We accordingly find no merit in the present appeal and the same is dismissed along with pending applications.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 26, 2024
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