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

+ **W.P.(C) 15631/2024, CM APPL. 65588-65589/2024**

MANOJ KUMAR GUPTA

.....Petitioner

Through: Mr. Rakesh Chander Agrawal and
Mr. Kartik Kumar Agrawal,
Advocates.

versus

SURESH CHAND GUPTA & ORS.

.....Respondents

Through: Ms. Avni Singh, Panel Counsel with
Ms. Prapti Singh, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

11.11.2024

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1. The Petitioner, the son of Respondent No. 1, a senior citizen, has preferred an appeal under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 before the Appellate Authority of Divisional Commissioner, impugning the eviction order dated 9th October, 2024 passed by the District Magistrate in case No. 708/ 2023 titled *Suresh Chand Gupta v. Manoj Kumar Gupta and Ors.* This appeal was filed online on 1st November, 2024 and subsequently, a physical copy was submitted on 5th November, 2024.

2. The Petitioner asserts that the post of Divisional Commissioner, which was previously lying vacant, has been filled up recently, and the appeals are now being heard by the Appellate Authority. However, he submits that on account of the earlier vacancy, there is a huge backlog of



appeals pending before the Authority, and therefore, the Petitioner's appeal is not likely to be taken up for hearing any time soon. He further submits that the Appellate Authority has not fixed any scheduled date for hearing the Petitioner's appeal, which renders him vulnerable to being evicted from the subject property in terms of the order of the District Magistrate.

3. Considering the above, the present writ petition is disposed of with a direction that the impugned order of the District Magistrate shall not be executed, till the Petitioner's interim application in the appeal pending before the Appellate Authority, is taken up for consideration.

4. The Court has not examined the merits of the case. It is clarified that the aforementioned directions have been issued only to ensure that the Petitioner's appellate remedy is not rendered infructuous. The Appellate Authority, while examining the Petitioner's request for interim relief in the appeal, shall not be influenced by the directions issued above and shall independently examine the matter on merits.

5. All rights and contentions of the parties are reserved.

6. With the above directions, the petition is disposed of along with pending applications.

SANJEEV NARULA, J

NOVEMBER 11, 2024

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