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

+ **W.P.(C) 16569/2024 & CM APPL. 70051/2024**

SMT HEMLATA GUPTA & ANR.

.....Petitioners

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

versus

SH GIAN CHAND GUPTA & ANR.

.....Respondents

Through: Mr. Prashant Manchanda, ASC with
Ms. Nancy Shah and Ms. Isha
Baloni, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
02.12.2024

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1. The present petition seeks enforcement of order dated 14th May, 2024 passed by this Court in W.P.(C) 11732/2023 and connected matter, setting aside the Divisional Commissioner's order dated 10th March, 2023 passed under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

2. This is the second round of litigation at the instance of Petitioner before this Court. Earlier through order dated 14th May, 2024 in W.P.(C) 11732/2023, this Court disposed of the petition by remanding the matter back to the Divisional Commissioner for the re-consideration. The operative portion of the said order reads as follows:

"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.”

3. The Petitioner’s grievance is that despite the afore-noted directions, the Divisional Commissioner has not passed a fresh order.

4. Mr. Prashant Manchanda, ASC representing Respondents, on instructions, states that the matter was listed before the Divisional Commissioner on 20th November, 2024, however, there was no appearance on behalf of either party. The next hearing is now scheduled for 11th December, 2024.

5. Counsel for the Petitioner states that she was not aware of the listing of the matter. Nonetheless, she states that she shall appear on the next scheduled date of hearing i.e., 11th December, 2024.

6. In light of the fact that the Divisional Commissioner is now seized of the matter, no further directions are required, except that order dated 14th May, 2024 in W.P. (C) 11732/2023 and connected matter shall be others be complied with as expeditiously as possible.

7. With the above directions, the present petition is disposed of, along with pending application.

SANJEEV NARULA, J

DECEMBER 2, 2024

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