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

+ W.P.(C) 4705/2025

SHRI SHAKIR ALI & ANR.

.....Petitioners

Through: Ms. Prabha Mishra and Mohd.
Hashim Miyan, Advs.

versus

THE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Pawan Kumar Upadhyay, Adv.
for R-1 (through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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15.04.2025

CM APPL.21676/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 4705/2025 and CM APPL.21675/2025 (Stay)

3. The present petition has been filed by the petitioner aggrieved by the order dated 27.02.2025, passed by the Hon'ble Senior Citizen Tribunal, District Magistrate (West), New Delhi in Eviction Case No.1098/DCW/2024 (Case ID 37700) in a complaint filed by the respondent no.2 under Rule 22 of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, 2009.
4. Admittedly, the said order is appealable under Rule 22 (3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, 2009.
5. Learned counsel for the petitioner submits that the petitioner has already availed the appellate remedy, however, has been compelled to file



the present petition inasmuch as no date of hearing has been scheduled before the Appellate Tribunal. It is apprehended that the eviction order dated 27.02.2025 shall be executed qua the petitioner even before the consideration of the matter before the Appellate Forum.

6. Considering the aforesaid, the present petition is disposed of with a direction to the Appellate Authority to fix a date of hearing for urgent consideration of the appeal filed by the petitioner. Let a hearing be scheduled within a period of 10 days from today. Let the Appellate Authority also consider the request of the petitioner for interim protection.

7. To obviate the possibility of the petitioner's appeal being rendered infructuous, it is directed that pending consideration of the matter by the Appellate Authority, status quo shall be maintained in respect of the property in question.

8. The petition is disposed of in the above terms.

9. It is made clear that this order shall not be construed as an expression of opinion by this Court by the Appellate Authority for the purpose of considering whether any interim orders are warranted in the facts and circumstances of the present case. The Appellate Authority is requested to decide the petitioner's application for interim relief, on its own merit.

SACHIN DATTA, J

APRIL 15, 2025/cl