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

+ **W.P.(C) 5385/2025 and CM APPL.24541/2025 (Stay)**

RANI SHARMA

.....Petitioner

Through: **Mr. Asheesh Jain (Sr. Adv)** along
with **Mr. Adarsh Kumar, Adv.**

versus

GOVERNMENT OF NCT OF DELHI AND ORS.

.....Respondents

Through: **Mr. Vipin Kumar Gupta, Adv. for R3.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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25.04.2025

CM APPL.24542/2025 (Exemption)

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

W.P.(C) 5385/2025

3. The present petition assails an order dated 26.03.2025 passed by the learned District Magistrate (South-East), New Delhi in Eviction Case No. 572/2022 titled as “Ved Prakash Arora vs. Rani Arora & Anr.” (hereinafter ‘*the impugned order*’)

4. An application bearing Eviction Case No. 572/2022 under Rule 22(3)(1)(i) of the Delhi Maintenance and Welfare of Senior Citizens and Parents Rules, 2009 was filed by the respondent no.3 seeking eviction of the petitioner from the subject property bearing H. No. 130, Mandakini Enclave SPS Flats, Alaknanda, Kalkaji New Delhi 110019 (hereinafter ‘*the subject property*’). The said application came to be allowed *vide* the impugned order whereby it was directed as under –



“47. Accordingly, the instant Eviction Case No. 572/2022 is hereby decided in favour of the Applicant and against the Respondents. Resultantly, Smt. Rani Sharma (Respondent No. 1), and Sh. Tushar Arora (Respondent No. 2) are hereby directed to vacate the subject property, i.e., H. No. 130, Mandakini Enclave, SFS Flats, Alaknanda, Kalkaji, New Delhi – 110019 within 30 days from the date of this order.”

5. Notably, the said order is appealable under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 before the Divisional Commissioner.

6. During the course of hearing, it transpires that the petitioner has already availed the appellate remedy. However, learned senior counsel for the petitioner submits that the present petition has been filed inasmuch as the petitioner's request for interim relief has not yet been considered by the appellate authority, and the period of 30 days within which the directions contained in the impugned order are to be complied with, expires today i.e. 25.04.2025.

7. It is apprehended that the petitioner shall be evicted from subject property even prior to the petitioner's application for interim relief being considered by the appellate authority thereby rendering infructuous the appeal filed by the petitioner.

8. It transpires during the course of hearing that the next date of hearing before the appellate authority is fixed for 30.04.2025.

9. With consent of learned counsel for the petitioner and learned counsel for respondent no.3, who appears on advance notice, the appellate authority is requested to consider the petitioner's application seeking interim relief on the next date of hearing before it. Let the said application be disposed of as expeditiously as possible by the appellate authority and in any event, within



a period of four weeks from today.

10. Learned counsel for respondent no.3 submits that, in the meantime, pending consideration of the petitioner's aforesaid application by the appellate authority, it shall not take any precipitative steps. The said statement is taken on record. Needless to say, the same shall be without prejudice to his rights and contentions that the appeal filed by the petitioner is highly misconceived.

11. It is made clear that the appellate authority shall decide the petitioner's application seeking interim relief, and the petitioner's appeal itself, on its own merits. This order shall not be construed as an expression of opinion of this Court on the merits of the respective case of the party. It shall be for the appellate authority to consider whether any interim order is warranted in the facts and circumstances of this case, without being influenced by this order.

12. The present petition is disposed of in the above terms. Pending applications also stand disposed of.

SACHIN DATTA, J

APRIL 25, 2025/uk