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

+ **W.P.(CRL) 1937/2025 & CRL.M.As. 18150/2025, 18151/2025**

DIVYA KAUSHAL GARG

.....Petitioner

Through: Mr. Rony Oommen John and MR.
Anuj Dubey, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) with Mr.
Sangeet Sibou, Mr. Priyansh Singh
Senger and Mr. Aniket Kumar Singh,
Advocates for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

01.07.2025

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1. Through the present petition filed under Articles 226 and 227 of the Constitution of India, 1950, the Petitioner seeks quashing of bailable warrant dated 27th May, 2025, issued against him. The impugned warrant was issued by the Additional District Magistrate, South-West District, Delhi/ Presiding Officer (Maintenance Tribunal for Senior Citizens),¹ in the proceedings initiated by the Petitioner's father, Mr. Umesh Chandra Gupta, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007,² read with the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009.³

2. The impugned warrant is a bailable one, merely requiring the

¹ "Maintenance Tribunal"

² "Senior Citizens Act"

³ "Senior Citizens Rules"



Petitioner's presence before the Maintenance Tribunal on the scheduled date of hearing. The said bailable warrant, *inter alia*, states as follows:

*"Whereas, the respondents **Mr. Divya Kaushal Garg S/o Sh. Umesh Chander Gupta**, R/o 150, Rachenahalli Main Road, 7" Cross, P&T Layout, Thanisandra, Bangalore - 560077, was not appeared before the tribunal on date of hearing fixed for **26.05.2025**, despite issuance of notice.*

*Therefore, you are hereby directed to bring **Mr. Divya Kaushal Garg S/o Sh. Umesh Chander Gupta**, R/o 150, Rachenahalli Main Road, 7" Cross, P&T Layout, Thanisandra, Bangalore - 560077 under your custody together with this warrant and present them before this Tribunal on **09.07.2025 at 02:30PM.**"*

3. Counsel for the Petitioner submits that the Maintenance Tribunal had issued notices to the Petitioner, directing him to either appear in person or through a pleader. In compliance with this direction, the Petitioner executed an Authority Letter in favour of Mr. Anuj Dubey and Mr. Arshdeep Singh, Advocates, authorizing them to represent him before the Tribunal. He states that, in accordance with the notices issued by the Tribunal, the Petitioner was duly represented through counsel on the dates fixed before the Tribunal, *i.e.*, on 28th April, 2025 and 26th May, 2025. Accordingly, he urges that there was no reasonable basis for the issuance of a bailable warrant against the Petitioner for 9th July, 2025. He submits that in the absence of any compelling circumstances necessitating the Petitioner's personal appearance, the issuance of such a warrant was entirely unwarranted. He further submits that the Petitioner had filed an application before the Maintenance Tribunal [Annexure-8], seeking cancellation of the bailable warrant, however, despite the filing of this application, no response, order, or communication has been received from the Tribunal to date. Counsel for the Petitioner also urges that there is no provision under the Senior Citizens Rules that can compel the presence of the Petitioner before the Tribunal in absence of any justifiable



cause.

4. The Court has duly considered the aforesaid facts and contentions. It must be noted that Section 6(2) of the Senior Citizens Act provides that on receipt of an application under Section 5 of the Act, the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is filed. Furthermore, Section 6(3) of the Act empowers the Tribunal with the authority of a Judicial Magistrate, First Class, as provided under the Code of Criminal Procedure, 1973, for the purpose of securing such attendance.

5. At the same time, it must also be emphasized that under Rule 8 of the Senior Citizens Rules, where the opposite party, despite service of notice, fails to show cause in response to a notice, the Tribunal is empowered to proceed *ex parte*, by taking evidence of the applicant, and pass an order disposing of the application.

6. As noted above, the impugned warrant merely seeks to secure the presence of the Petitioner before the Maintenance Tribunal on the date fixed for hearing. The Petitioner has already moved an application seeking cancellation of the impugned warrant, which is presently pending before the Tribunal. In light of the foregoing facts and circumstances, since the Maintenance Tribunal is currently seized with the matter, the Court is of the considered view that the invocation of this Court's writ jurisdiction to quash the impugned warrant is not warranted at this stage.

7. The present petition is disposed of with a direction to the Maintenance Tribunal to decide the Petitioner's application seeking cancellation of the impugned bailable warrant, on or before the next date of hearing scheduled before the Tribunal.



8. The Court has not commented on the merits of the case. All rights and contentions of the parties are left open.
9. Till the time the application is decided, no coercive action shall be taken against the Petitioner.
10. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

JULY 1, 2025

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