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

+ **LPA 513/2025**

CHANDRA KANTA BIHANI AND ANR.Appellant

Through: **Mr. Moni Cinmoy, Mr. Rahul Ranjan
Verma, Mr. Saurabh Sharma and Mr.
Akshat Sinha, Advocates**

versus

NEHA BIHANI AND ANRRespondents

Through: **None**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **08.08.2025**

C.M. NO. 48920/ 2025

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

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3. Present letters patent appeal has been filed assailing the order dated 30.07.2025 (hereinafter referred to as '*Impugned Order*') passed by the learned Single Judge whereby the underlying writ petition bearing W.P.(C) No.9548/2025 titled '*Neha Bihani vs. Chandra Kanta Bihani & Ors.*', was allowed staying the order dated 18.06.2025 passed by the Appellate Authority (Divisional Commissioner), Department of Revenue, Government of NCT of Delhi (hereinafter referred to as '*Appellate Authority*') whereby the respondent no.1's application seeking interim protection/stay against the eviction order dated 21.04.2025 passed by the District Magistrate, District North-West (Kanjhawala), Delhi (hereinafter referred to as '*DM*') was dismissed. The appellant is also aggrieved by the direction of the learned Single Judge to

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re-induct the respondent no.1 and ¹ grandchild in the home during pendency of appellate proceedings.

4. The only grievance of the appellant is that the learned Single Judge has overlooked the allegation that the respondent no.1 has been harassing, tormenting and behaving cruelly with the appellants who are senior citizens in the evening of their lives. He stoutly argues that despite a number of opportunities having been granted to the respondent no.1, she chose not to appear before the DM and once an adverse order was passed, the respondent no.1 filed a statutory appeal alongwith an application for stay, which did not find favour with the Appellate Authority. He emphasises that the DM as well as the Appellate Authority have succinctly recorded the actual acts of torture, harassment and torment suffered by the appellants at the hands of the respondent no.1, which are findings of facts and cannot be examined under Article 226 of the Constitution of India. He also states that the respondent no.1 failed to satisfy the test of a stay sought against the order of the DM in the Appellate Proceedings and therefore, not entitled to be re-inducted atleast till the Appellate Authority concludes otherwise or takes a view contrary to the order of the DM.

5. Having heard the learned counsel for the appellant we are of the view that the learned Single Judge has not committed any error.

6. A plain perusal and reading of the impugned order only reflects that the Court was anxious to ensure that equity does not suffer and that the respondent no.1, who is the widow of the only son of the appellant and the grandchild are not rendered homeless and in a penurious situation. That too, only during the pendency of the Appellate proceedings. Clearly, the submission of learned counsel for the appellant that the case has been examined on merits or that some findings *qua* the same have been rendered by the learned Single Judge, is completely unfounded. We do not find any recording of findings or examination on merits at all. All that the learned single Judge has directed is



re-induction of the respondent no.1 and the grandchild of the appellant into home during the pendency of Appellate proceedings and has further directed that the said proceedings be concluded within three months.

7. Having regard to the fact that no findings have been recorded nor merits examined, coupled with the equitable direction of re-induction of the respondent no.1 and the grandchild during pendency of Appellate proceedings, we are of the opinion that the impugned order does not warrant any interference.

8. Accordingly, appeal is dismissed alongwith pending applications, if any.
No costs.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

AUGUST 8, 2025/rl