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

+ W.P.(C) 16926/2025

SMT. INDRAWATI & ANR.

.....Petitioners

Through: Mr. Sanjay Kumar Sah and Mr.
Pratyush Jha, Advs.

versus

KHUSHBU SHARMA & ANR.

.....Respondents

Through: Mr. Sandeep Kumar, Mr. Virender
Singh, Mr. Varun Panwar and Mr.
Avtar Singh, Advs.
Mr. Saral Sharma, Adv. for R-2 along
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **17.11.2025**

1. The present petition is filed by the petitioners assailing the order dated 04.08.2025 passed by the Divisional Commissioner, Department of Revenue, GNCTD, whereby the operation of the eviction order dated 20.05.2025, passed by the District Magistrate (Central), Delhi has been stayed.
2. The petitioners, who are senior citizens, claim to be the permanent residents of H.No.A-85, Gali No.-1, Harit Vihar, Burari, North Delhi, Delhi-110084. The said property is stated to be the self-acquired property of petitioner no.1.
3. The background of the matter, as submitted by the petitioners, is that out of love and affection, the petitioners permitted their sons, Sh. Kuldeep Saraswat and Sh. Ravi Saraswat along with their spouses to reside in



separate portions of the said premises, as licensees, without conferring any ownership rights, title or interest in the property.

4. It is submitted that during the years 2021-22, the conduct of the respondents became hostile and abusive towards the petitioners. Consequently, the petitioners filed an application before the District Magistrate (Central), Delhi under Section 22 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, read with Rule 22(3)(1)(i) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016, seeking eviction of their sons and daughter-in-laws for protection of their life and property.

5. A reasoned Eviction Order came to be passed by the District Magistrate (Central), Delhi on 20.05.2025. Subsequent thereto, the petitioners arrived at an amicable settlement with their younger son, Sh. Ravi Saraswat, who, along with his wife Smt. Chanchal, continues to reside peacefully in the premises. However, the respondents failed to comply with the eviction order and continued to harass the petitioners. Respondent no.1 thereafter filed an appeal before the Divisional Commissioner challenging the eviction order.

6. The grievance of the petitioners is that the impugned stay order dated 04.08.2025 has been passed without affording the petitioners an opportunity to file a reply/ furnish their submissions, and without due consideration of the relevant facts and circumstances, thereby, causing grave prejudice and hardships to the petitioners.

7. In the circumstances, the present petition is disposed of with a direction to the Appellate Authority/Divisional Commissioner (Central), Department of Revenue, GNCTD, to decide the petitioners' appeal



expeditiously and, in any event within a period of eight weeks from today.

8. The petitioners are granted liberty to mention the matter before the Appellate Authority and apprise the said Authority of these directions. The Appellate Authority shall schedule hearing/s appropriately so as to decide the matter and conclude the appellate proceedings within the aforesaid period.

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

SACHIN DATTA, J

NOVEMBER 17, 2025/cl