



\$~112 & 113

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

+ **W.P.(C) 4989/2026 & CM APPL. 24443/2026**

AMRITA BOPARAI

.....Petitioner

Through: Mr. Deepak Joshi, Mr. Sanjay Sharma
and Mr. Shivam Yadav, Advocates.

versus

GOVT. OF NCT OF DELHI& ORS.

.....Respondents

Through: Mr. Shashi Pratap Singh and Ms.
Shagun Sabharwal, Advocates for R-
1.

113

+ **W.P.(C) 4990/2026 & CM APPL. 24445/2026**

ADITI RANDHAWA

.....Petitioner

Through: Mr. Deepak Joshi, Mr. Sanjay Sharma
and Mr. Shivam Yadav, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Shashi Pratap Singh and Ms.
Shagun Sabharwal, Advocates for R-
1.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

16.04.2026

CM APPL. 24444/2026 & CM APPL. 24446/2026

1. Exemptions allowed, subject to all just exceptions.



2. Applications stand disposed of.

W.P.(C) 4989/2026 & CM APPL. 24443/2026

W.P.(C) 4990/2026 & CM APPL. 24445/2026

3. The petition is for the following reliefs:

“a. issue an appropriate writ, order or direction restraining the Respondents, their officers, agents and representatives from taking any coercive steps, including eviction, dispossession, sealing, or police-assisted action, against the Petitioner in respect of property bearing 5-435' First Floor, Greater Kailash-Io New Delhi - f10048, otherwise than in accordance with law and without due compliance with the mandatory procedure prescribed under Rule 22(3X1XivHv) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009;

b. declare and hold that the eviction proceedings/order dated 08.09.2023 passed by the District Magistrate (South) in Case No.28122, and and Notice bearing N. F.TEFVHK/MISC 1202511053 dated 09.04.2026, to the extent they are sought to be enforced against the Petitioner, are illegal, non est, and unenforceable against her, the Petitioner having neither been issued notice nor afforded any opportunity of hearing;

c. issue an appropriate writ, order or direction directing the Respondents to maintain status quo with respect to the Petitioner's possession, residence, and her right to reside in the shared household in the subject premises during the pendency of the present writ petition;

d. pass an ex parte ad-interim order in terms of prayers (a) and (d) above, in view of the imminent threat of coercive dispossession on or about 15.04.2026; pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

4. The petitioner, has filed two petitions with similar reliefs, while filing two petitions, the petitioner has not disclosed the factum of dismissal of the writ petition against the impugned orders, which was instituted by the father of the petitioners i.e., one Ms. Aditi Randhawa and the husband of Ms. Amrita Boparia.

5. It appears that senior citizen Sh. Hardev Singh and Smt. Bhupinder Kaur instituted proceedings under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the court of competent jurisdiction. The proceedings were allowed and the eviction was directed.



Against the said order of eviction, the proceedings were carried out to the Court of the Divisional Commissioner. The Divisional Commissioner affirmed the said order. At the instance of Col. Harinder Singh, W.P.(C) 530/2026 was filed before this Court on 25.02.2026. The Court had taken note of the fact that the wife, who is the petitioner in the writ petition number W.P.(C) 530/2026 was also enjoying alleged independent rights of residence under Section 17 of the Protection of Women from Domestic Violence Act, 2005. Nevertheless, the Court in paragraph nos. 22 and 23 has held as under:

*“22. The contention that non-adherence with the provision of Rule 22(3)(iv) would vitiate the impugned orders cannot be accepted. A Division Bench of this Court in **Paramjeet Singh and Ors**, has taken note of the decision in **Pooja Mehta and Ors** and has held that if the said objection is not raised before the Appellate Authority, the same cannot be raised for the first time before this Court.*

23. Finally, the contention that the Appellate Authority has not considered certain grounds raised in the appeal, also does not warrant any interference by this Court. The first contention is that the eviction proceedings were instituted at the behest of the petitioner’s sister in order to defeat the rights of the petitioner’s wife. While adjudicating applications under Rule 22(3) of the Rules, the District Magistrate is only required to be satisfied that the senior citizen is not being maintained and is facing ill-treatment by his/her children who are occupying his/her self-acquired or ancestral property. In the impugned orders, it has been categorically recorded that the aforesaid conditions exist. Therefore, the lack of reasons for rejecting the said objection has not caused any prejudice to the petitioner. The next ground of appeal urged by the petitioner is that the District Magistrate had passed contradictory findings that the petitioner may file an appeal against the order within sixty days, the petitioner was directed to vacate the property in question within thirty days. This objection too, is unfounded. Merely because the time period within which the petitioner is directed to vacate the property in question is shorter than the time period within which he may file an appeal cannot be a ground for setting aside the order. The petitioner may prefer an appeal against an eviction order even after vacating the property. Therefore, there is no contradiction in the order dated 08.09.2023. ”



6. The same impugned action is sought to be challenged by these two petitioners. The petitioners may have right to independently challenge the action, however, when the petitioners are represented by the same counsel who appeared for Col. Harinder Singh in W.P.(C) 530/2026, it was incumbent upon the counsel to have placed on the record a copy of the order. It has been given to understand to the Court that without the petitioners being party, the action was taken. The petitioners should be non-suited only on that ground alone.

7. However, Mr. Deepak Joshi, learned counsel appearing on behalf of the petitioners, tenders an unconditional apology and conveys that the non-disclosure of the factum of WP(C) 530/2026 was unintentional. His apology is accepted. He also seeks liberty to withdraw the present petitions. The present petitions are dismissed as withdrawn.

8. At this stage Mr. Deepak Joshi submits that against the final order passed in WP (C) 530/202 by this Court, an LPA is pending and the same has been stayed. Be that as it may, even the filing of LPA could have been disclosed by Mr. Deepak Joshi when the petition was filed.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 16, 2026/SH/ss