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

+ **W.P.(C) 8203/2023**

NIRMAL BOTHRA

.....Petitioner

Through: Mr. Sanjeet Singh, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Astha Gupta and Mr. Pankaj Kumar, Advocates for R-1.
Mr. Sahil Goel, Advocate for R-2.
Mr. Deepak Chand Pandey, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **11.02.2026**

1. The original complaint was filed by the late wife of the petitioner namely, Ms. Nirmala. The complaint was filed on 07.07.2019, which was allowed by the concerned District Magistrate on 09.08.2021. Against the said order, the private respondent preferred an appeal, wherein, the Appellate Authority reversed the order passed by the District Magistrate. The petitioner, therefore, has approached this Court.

2. It be noted that during the pendency of the appeal, original complainant, Ms. Nirmala had expired on 12.02.2022. The petition, therefore, has been filed by her husband. Since the application for eviction, has been dismissed by the virtue of the Appellate Court's order and there has



not been any determination of the rights over the property. Therefore, if the petitioner has any grievance, he shall be entitled to file a fresh complaint invoking the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the Rules framed thereunder.

3. Learned counsel for the petitioner submits that the respondent no. 2 and 3 have colluded together. He further submits that in order to deter the original complainant, the said respondents filed a collusive petition invoking the provisions of Prevention of Women from Domestic Violence Act 2005.

4. The arguments made by both the learned counsel for the parties to justify their submissions may not be required to be dealt with on merits.

5. All the submissions, at this point of time, may not have any relevance. Similarly, the aspect of filing of the Civil Suit by the petitioner, as stated by the respondent, for the same property will also have to be looked into by the concerned Court, if the fresh application is filed.

6. Leaving all questions open, the petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

FEBRUARY 11, 2026

Sh/mj