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

+ CONT.CAS(C) 1234/2025 & CM APPL. 50265/2025

SH. BALBIR SINGH MAAN

.....Petitioner

Through: Mr. Kirti Uppal, Senior
Advocate with Mr. Samman
Vardhan Gautam, Advocate.

Versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Abhinav Singh and Mr.
Rishab Mittal Advocates for
GNCTD.

Mr. Jeevesh Nagrath, Sr.
Advocate, Mr. Arjun Singh
Bawa, Mr. Sahil Gupta, Mr.
Siddharth & Ms Apoorva
Pradhan Advocates for
respondent no. 3 and 4.

AND

+ W.P.(C) 7177/2025 & CM APPLs. 32351/2025, 32352/2025,
40297/2025, 40827/2025, 55033/2025, 61460/2025,
61461/2025, 61467/2025, 16469/2026, 16194/2026.

MR. PAWAN MAAN & ANR.

.....Petitioners

Through: Mr. Jeevesh Nagrath, Sr.
Advocate, Mr. Arjun Singh
Bawa, Mr. Sahil Gupta, Mr.
Siddharth & Ms Apoorva
Pradhan Advocates

versus



GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Tanveer Ahmed Ansari
SPC

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.03.2026

1. It is seen that Sh. Balbir Singh Maan, had invoked the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (“**the Act**”). He had two sons, and they are the petitioners in W.P.(C). 7177/2025. He also had three daughters, who are contesting against two sons. It appears that there are competing claims over the property in question between sons and daughters. It also remains undisputed that a civil suit is pending between them before this Court. In the W.P.(C). 7177/2025 the sons have challenged the order passed by the Divisional Commissioner for their eviction.

2. It is their primary contention that Sh. Balbir Singh Maan, was of unsound mind, and resultantly was unable to take independent decisions. The complaint which ultimately led to the passing of the impugned order was also instituted at the insistence of the sisters. The Court earlier appointed the team of the doctors who examined Sh. Balbir Singh Maan and the report was submitted. That report is objected to by the other side. It is further noted that there remain disputed question of facts that, as to whether Sh. Balbir Singh Maan was of unsound mind or otherwise. Both the parties have made their submissions contrary to each other.



3. Sh. Balbir Singh Maan has expired on 04.09.2025. The proceedings which were initiated at his instance stand abated. The rights and contentions of the sons and daughters will have to be adjudicated by the Civil Court.

4. The Court *vide* interim order dated 28.05.2025 recorded the undertaking of the sons for vacating the premises in question. The order dated 05.07.2025 has been placed on record by the Tehsildar who states that a portion of the property bearing No.133/9, Kishangarh, Mehrauli, Vasant Kunj, New Delhi was vacated by the staff of S.D.M. Mehrauli on 20.06.2025 and the vacated portion was sealed by the Tehsildar.

5. It is submitted by Mr. Kirti Uppal, learned senior counsel, that the entire property was to be vacated, whereas, a portion of the property has been vacated by the other side. Mr. Jeevesh Nagrath, learned senior counsel for respondent no. 3 and 4, contends that the portion in possession of Sh. Balbir Singh Maan was vacated and the remaining portion was owned by the petitioners' wife. Even these aspects are disputed by Mr. Uppal.

6. In view thereof, the Court does not deem it appropriate to continue with the contempt proceedings, the same is accordingly disposed of. The proceedings which were initiated by Sh. Balbir Singh Maan, who has since expired, will have to abate.

7. The issues arising for consideration in the present proceedings as to the factum of whether Sh. Balbir Singh Maan was in the portion which stood vacated or otherwise involve disputed questions of fact, which can only be appropriately adjudicated by a competent Civil



Court, on the basis of evidence to be led by the respective parties.

8. It is well settled that this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, is not required to undertake an adjudication of disputed questions relating to right, title, or possession of the parties in respect of the subject property

9. The sealed property shall remain subject to further directions that may be passed by the Civil Court in the pending civil suit.

10. Accordingly, both petitions stand disposed of in the above terms, along with all pending applications.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 17, 2026/ar