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

% ***Date of Decision: October 29th, 2026***

\# **CNR No. DLHC010829572025**

\+ W.P.(C) 16467/2025 & CM APPL. 67394/2025

KIRAN ARORA .....Petitioner

Through: Ms. Vrinda Bhandari, Advocate from DHCLSC with Ms. Vanshita Gupta, Advocates.

versus

KANTA DEVI & ANR. .....Respondents

Through: Mr. Lokesh Kumar, Advocate for R1.
Mr. Nitin Kumar, Advocate for GNCTD.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The present Writ Petition under Article 226 of the Constitution of India, 1950, seeks to challenge and set aside the Appellate Order dated 08.10.2025 passed by the Appellate Authority / Divisional Commissioner, Department of Revenue, Govt. of NCT of Delhi in Appeal No. 1008/2024/517-51.

Vide the Impugned Order, the learned Appellate Authority upheld the Eviction Order dated 29.08.2024 passed by the learned District Magistrate (South-West), New Delhi in Case ID No. 35088, whereby the Petitioner – Smt. Kiran Arora was directed to vacate the property bearing No. *RZ F44/21A, Gali No. 44, Sadh Nagar, Part-2,*

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Palam Village ("**Subject Property**").

2. It is the case of the Petitioner that the Respondent No. 1 – Smt. Kanta Devi is the mother of the Petitioner, residing on the First Floor of the Subject Property. The Petitioner is the biological daughter, a person with visual disability (*certified 100% loss of vision in her left eye and approximately 30% visibility in her right eye*), residing on the Second Floor of the Subject Property along with her husband and 10-year-old daughter, since 2017.

3. While Respondent No. 1 asserts absolute ownership over the premises, the Petitioner contends that the property was acquired from the sale proceeds of ancestral HUF property belonging to her late father/husband of Respondent No. 1, Sh. Shyam Lal Kapoor, who died intestate on 05.11.2009, making the Petitioner a co-sharer/legal heir under the Hindu Succession Act, 1956 of the subject property.

4. It is alleged that due to the ongoing disputes regarding the ownership of the subject property inter-se the parties, in 2018, the Petitioner's younger sister, Smt. Jyoti got made a false and fabricated Surviving Members Certificate without including the name of the Petitioner. The Petitioner had also filed a complaint regarding the same before the SDM in the year 2020.

5. Petitioner has further alleged that in the year 2021 she developed several health issues, leading to her visual disability. During this period, the Respondent No. 1/mother and younger sister, started ill-treating her, her husband and minor daughter and threatened to dispossess them from the subject property. Consequently, she filed complaints before the police authorities against them and also

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instituted proceedings Ct. Case No. 2561/22 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 ("**DV Act**") on 17.12.2022 against Respondent No. 1 and her sister, which remains pending before the learned Mahila Court, Dwarka Courts, New Delhi.

6. On 05.07.2023, allegedly as a counter blast, the Respondent No. 1 filed an application under Rule 22(3) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 ("**Senior Citizens Rules**") before the learned District Magistrate seeking summary eviction of the Petitioner from the Subject Property on grounds of alleged harassment and ill-treatment, claiming herself to be the sole owner of the property.

7. In compliance with the procedure under Rule 22(3)(1)(ii)–(iii) of the Senior Citizens Rules, the learned District Magistrate requisitioned an enquiry report from the Sub-Divisional Magistrate (SDM, Dwarka). The statutory Enquiry Report dated 04.04.2024 submitted by the Ld. SDM recorded the following findings:

a. ***Property Dispute:*** *Yes, it is a property dispute.*

b. ***Ownership of Property:*** *Not verified.*

c. ***Whether any real threat to the Complainant:*** *Not verified.*

d. ***Valid reason for eviction:*** *The complainant wants to evict the respondent from the suit property.*

8. The learned District Magistrate, *vide* order dated 29.08.2024, allowed the eviction application, by observing that *prima facie* ownership of the Respondent No. 1 and allegations of harassment stand established.

9. The appeal preferred by the Petitioner against the above order

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was dismissed by the learned Appellate Authority *vide* the Impugned Order dated 08.10.2025 by returning findings that the learned District Magistrate has already opined that the Respondent No. 1 was harassed and the questions of ownership are beyond the scope of eviction proceedings and can only be adjudicated by the competent civil court.

10. Hence, the present petition has been filed.

11. The learned Counsel for the Petitioner has essentially contended that the eviction order could not have been upheld when the ownership of the property and the threat/harassment remained unverified by the SDM. It is further contended that the Respondent No. 1 is not the sole owner of the property, rather Petitioner is one of the co-owners of the subject property as the same was purchased by her father late Sh. Shyam Lal Kapoor, by selling his ancestral property in Ludhiana. Since the father died intestate, the share devolved upon her as well.

12. On being pointedly asked, the learned Counsel for the Respondents, has explained that the Respondent No. 1 is the sole owner of the property and the property was purchased in her name has been the admitted case of the Petitioner and submitted that even otherwise, concrete findings on the issues of title/ ownership of the property are not required to be adjudicated in eviction proceedings.

13. However, when asked, the Respondent has not been able to show the relevant registered conveyance documents vesting absolute ownership with the Respondent No.1.

14. It also remains uncontroverted that the learned SDM could neither verify the ownership of the property and the allegations of

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harassment or threat.

15. Rule 22(3)(1) of the Senior Citizens Rules provides for a mechanism of summary eviction where the District Magistrate, upon consideration of the material placed before him, is satisfied that the child or legal heir, while residing in the property of the senior citizen, is subjecting the senior citizen to ill-treatment or harassment and is not maintaining them.

16. There can be no dispute with the settled proposition that proceedings under the Senior Citizens Act are summary in nature and the authorities exercising jurisdiction thereunder are not expected to undertake a detailed adjudication of complicated questions of title or ownership, which would appropriately fall within the domain of the competent civil court. Equally, the allegations of ill-treatment or harassment are not required to be established in the manner of a criminal trial.

17. However, in the present case, the statutory enquiry conducted by the SDM records that the *ownership of the Subject Property could not be verified* and, significantly, that the *existence of any real threat to the complainant could also not be verified*. The report further records that the reason for seeking eviction is that *the complainant sought eviction of the respondent from the property*. While the aforesaid report may not, by itself, be conclusive of the issues involved, however, if the learned District Magistrate intended to arrive at a conclusion contrary to the findings of the SDM, it was incumbent upon him to indicate that *some material* or *circumstance* formed the *basis* of its satisfaction.

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18. However, a perusal of the eviction order dated 29.08.2024 indicates that the learned District Magistrate has merely recorded a conclusion that the Respondent No. 1 was subjected to harassment and physical abuse by the Petitioner, without disclosing the material forming the basis of such conclusion. The learned Appellate Authority, in turn, has affirmed the eviction order without independently examining this aspect.

19. Further, the title is the property remains seriously disputed, and the SDM report also states that there is a dispute regarding the property. The ownership also was, undisputedly, not verified by the SDM. This Court also cannot remain oblivious to the allegations of harassment made by the Petitioner as well, a disabled woman suffering from 100% vision loss in one eye and partial vision in the other, upon the younger sister (who is also living with the mother), regarding her intention to grab the subject property for which an allegedly false surviving member certificate has been submitted by her.

20. Thus, considering the totality of circumstance, ordering the total eviction of a disabled daughter and her minor child would create an extreme and disproportionate hardship.

21. In view of the above observations, the Writ Petition is allowed, and the Impugned Order dated 08.10.2025 and the underlying Eviction Order dated 29.08.2024 are hereby quashed and set aside.

22. Needless to state, this Court has not returned any conclusive findings on the title of the property and allegations of harassment/violence. The same have been assessed only with respect

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to the subject proceedings.

23. The parties are at liberty to avail appropriate civil remedies in accordance with law.

24. If any future grievance arises regarding the peaceful enjoyment of the property, the Respondent No. 1 shall have liberty to approach the learned District Magistrate.

25. Accordingly, the petition is disposed of, along with pending application(s), if any.

AMIT MAHAJAN, J

OCTOBER 29, 2026
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