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

\+ W.P.(C) 5737/2024 & CM APPL. 23702/2024

JASPAL KAUR ..... Petitioner

Through: Mr. A.S. Babbar and Ms. Sapandeep, Advocates.

versus

GOVT OF NCT OF DELHI AND ANR. ..... Respondents

Through: Mr. Rishikesh Kumar, ASC for GNCTD with Ms. Sheenu Priya, Mr. Atik Gill, Mr. Sudhir Kumar Shukla, Advocates for R-1.
Mr. Basant Gupta, Ms. Apoorva Maheshwari and Mr. Piyush Goyal, Advocates for R-2.

\+ W.P.(C) 5776/2024 & CM APPL. 23928/2024

SMT NEERU BEHL MEHTA ..... Petitioner

Through: Mr. Basant Gupta and Mr. Piyush Goyal, Advocates.
Ms. Apoorva Maheshwari, Advocate.

versus

GOVT OF NCT OF DELHI AND ORS. ..... Respondents

Through: Mr. Prashant Manchanda, ASC with Ms. Nancy Shah and Ms. Haridas Medha Dilip, Advocates for R-1.
Mr. A.S. Babbar and Ms. Sapandeep, Advocates for R-2

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

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O R D E R

% 22.05.2024

1. The Petitioner in W.P.(C) 5737/2024 has approached this Court for implementing the Order dated 27.03.2024 passed by the Divisional Commissioner, which is the Appellate Authority, in Appeal No.PA/Appeal No.742/2023 by which the Respondent No.2 who is the daughter-in-law (Petitioner in W.P.(C) 5776/2024) has been directed to vacate the premises bearing No. 235, Upper Ground Floor, Kalyan Vihar, Delhi-110009.

2. Pending the writ petition, a status report has been filed by the SDM, Model Town, Delhi. The status report indicates that Respondent No.2/daughter-in-law has been evicted from the premises. In view of the status report filed by the SDM stating that the Respondent No.2/daughter-in-law has been evicted from the premises, the W.P.(C) 5737/2024 is rendered infructuous.

3. W.P.(C) 5776/2024 has been filed challenging the Order dated 27.03.2024. Material on record discloses that the present dispute is between the mother-in-law and the daughter-in-law. This Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India in the facts of the present case. There is a sufficient material to indicate that the Petitioner in W.P.(C) 5737/2024, who is the owner of the premises in question, is entitled to maintain the petition under Rule 22 of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016. However, paragraph No.8 of the Order dated 27.03.2024 reads as under:

> *"8. Keeping in view the facts and circumstances of the case and particularly the fact that, appellant and respondent cannot live together peacefully under the*

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same roof, the appeal is disposed of in terms of following directions.

a. The respondent and her son i.e Sh. Inder Mohan Singh shall pay jointly and severally Rs. 20,000/- per month to the appellant in lieu of alternate accommodation. The respondent or her son shall pay amount of Rs. 20,000/- latest by 5th day of every month in appellant's bank account. The appellant may use this amount to rent out property of her choice. The appellant has declined the alternative accommodation offered by the respondent. It is made clear that if the respondent or her son fails to pay the said monthly rental amount, the appellant shall have the right to come back to the property in question.

b. Within six months from the date of this order, however, the husband of the appellant i.e Sh. Inder Mohan Singh shall purchase a property of similar standard and area as presently in possession of appellant. Once such property is purchased in the name of appellant, the payment of aforesaid monthly rent of Rs. 20,000/- will discontinue.

c. In case the respondent transfers the property in question before her son purchases the property for the appellant as above, the respondent shall be bound to purchase the property for the appellant, a property of similar standard and area as presently in possession of appellant, from the sale proceeds of the property in question. This condition is imposed because appellant has apprehension that the respondent may, in collusion with her son, sell the property in question.

d. The appellant shall provide her bank details latest by 01 04 2024 to enable the respondent to transfer the monthly amount to the appellant In case the appellant fails to provide her bank account details latest by 01.04

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2024 so as to frustrate this order, she will be evicted forcibly Further, as soon the appellant receives the first tranche of rent of Rs. 20,000/-, she shall vacate the property in question if the appellant fails to vacate, she will be evicted forcibly.

e. The SDM of the area concerned will arrange the eviction of as required in terms of above."

4. The Petitioner in W.P.(C) 5776/2024 who is Respondent No.2 in W.P.(C) 5737/2024 has not chosen to challenge the Order dated 27.03.2024, and therefore, she is bound by the aforesaid paragraph No.8 of the Order dated 27.03.2024. The Petitioner in W.P.(C) 5776/2024 who is Respondent No.2 in W.P.(C) 5737/2024 is directed to comply with all the conditions mentioned in paragraph No.8 of the Order dated 27.03.2024.

5. It is made clear that non-compliance of the directions mentioned in paragraph No.8 of the Order dated 27.03.2024 shall amount to violation of the Orders passed by this Court.

6. With these observations, the writ petitions are disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 22, 2024
S. Zakir

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