



**OFFICE OF THE DISTRICT MAGISTRATE CUM APPELLATE TRIBUNAL
FOR MAINTENANCE AND WELFARE OF PARENTS & SENIOR CITIZENS
DISTRICT-SOUTH WEST**

OLD TERMINAL TAX BUILDING, KAPASHERA, NEW DELHI-110037

Ref. No. 22440

Dated: 23-04-2018

Case Id:-18450

Case No.-1/79/2017

Pritam Singh & Ors.

Applicant

Vs.

Amar Singh & Ors.

Respondent

ORDER

1. By this order I shall dispose of the case filed by the Senior Citizen, Sh. Pritam Singh S/o Bhim Singh & Smt. Meena both R/o Block K-1, Mohan Garden, New Delhi under Rule 22 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2016 for eviction of his elder son Sh. Amar Singh & daughter-in-law Smt. Aarti w/o Sh. Amar Singh from property bearing no. Block K-1, Mohan Garden, New Delhi (herein referred as Suit Property).
2. The complainant in brief has stated the following:-
 - a) He is the rightful owner of the suit property bearing H. No. Block K-1, Mohan Garden, New Delhi.
 - b) He was residing in the above said property along with his wife Smt. Meena before being thrown out from the same.
 - c) That his elder Son, Amar Singh has occupied his house without his consent and now thrown him out.
 - d) That the complainants have no other source of income for maintaining themselves.

In view of the above, he has requested that his elder son Sh. Amar Singh with his family (Respondents) may be evicted from the suit property Block K-1, Mohan Garden, New Delhi, at the earliest.

3. The effective hearings of the case were done on 06.12.2017, 20.12.2017, 17.01.2018 & 31.01.2018.
4. The respondent in his reply dated 20.12.2017 has submitted the following in brief:
 - a. That all the allegations made by the complainant are false.


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- b. That the suit property was purchased after selling the ancestral property.
- c. That the complainant wants to sell the property after getting him evicted.
- d. That the suit property was provided to him by the family members as his share.

The respondent has therefore requested that the complaint may be dismissed with costs.

5. The report of the SDM Dwarka was called under Rule 22 of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules. As per the report dated 05.03.2018 the following are mentioned:-

"As per the report at the time of visit at 173, K-1, Mohan Garden, New Delhi on local enquiry it was informed that the house is in an area of approx 30 Sq. yards with ground floor, 1st floor, 2nd floor and 3rd floor. The 3rd floor has a room on it. The house is in the name of Pritam Singh".

"The wife of Sh. Pritam Singh informed that they have 3 sons namely Amar Singh, Suresh and Kunwar Pal. Sh. Amar Singh lives with his family in the whole house at the aforesaid address. She further informed that Sh. Amar Singh and his wife have thrown them out of the house leading to dispute in the above said matter".

"Sh. Suresh and Sh. Kunwar Pal lives on rented accommodation and are daily wager. The Halka Patwari repeatedly knocked at the door but nobody open the same".

6. The applicant (Sr. Citizen) has requested for the eviction of the respondent from the suit property as provided under Rule 22 Sub Rule 3 (1)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizen (Amendment) Rules 2017, the Procedure for eviction from Property/residential building of senior citizen/parents is as under:-

(i) *A senior citizen may make an application before the Dy. Commissioner/District Magistrate of his district, for eviction of his son and daughter or legal heirs from his property of any kind whether movable or immovable, ancestral or self acquired, tangible or intangible and include rights or interests in such property on account of his non-maintenance and ill-treatment.*

(ii) *The Dy. Commissioner/District Magistrate shall immediately forward such application to the concerned Sub-Divisional Magistrate for verification of the title*


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of the property and facts of the case within 15 days from the date of receipt of such application.

(iii) The Sub-Divisional Magistrate shall immediately submit its report to the Dy. Commissioner for final orders within 21 days from the date of receipt of the Complaint/Application.

(iv) The Deputy Commissioner during summary proceedings for the protection of senior citizen/parents shall consider all the relevant provisions of the said Act 2007. If the Dy. Commissioner is of opinion that any son or daughter/ legal heirs of a senior citizen/parents is not maintaining the senior citizen and ill treating him and yet is occupying the property of any kind whether movable or immovable, ancestral or self acquired, tangible or intangible and include rights or interests in such property of the senior citizen, and that they should be evicted. The Dy. Commissioner/District Magistrate shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause as to why an order of eviction should not be issued against them/him/her. The notice shall:-

(a) Specify the grounds on which the order of eviction is proposed to be made; and
(b) Require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the property/premises, to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issued thereof.

7. I have gone through the provision of the Act and the Rules along with the material available on record.

The main issue is regarding the ownership of property. The respondent has not been able to produce any document/records in support of his ownership of the suit property. The complainant Sh. Pritam Singh also has not been able to produce any strong/conclusive property papers except an family agreement/settlement on judicial papers between Sh. Pritam Singh and his brothers regarding equal share of the suit property (30 Sq. yards approx). However, this is still a much better title than the respondent.

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A handwritten signature inside a circle, with the date 23/4/18 written below it.

It is also clear that the respondent is not paying any maintenance to his parents/nor is he contributing any sum to the joint family expenditure. Despite all this respondent has thrown out his parents from the suit property and is also allegedly collecting rental income from the other floors of the suit property. Further, as per the report of Halqa Patwari, Sh. Pritam Singh, who is the owner of the house has been thrown out and residing in a rental accommodation.

Based on the above findings, it is quite evident that this is a fit case for ordering the eviction of the respondents from the suit property.

The undersigned accepts the contention of the appellant Sh. Pritam Singh (Senior Citizen) and hereby orders for the eviction of the respondents from the Suit Property within a period of two weeks from the date of receipt of this order.

8. The SDM (Dwarka) and SHO (concerned) are directed to execute the above order in case of non-compliance within the stipulated period.
9. Given under my hand and seal on this 23rd day of April 2018.
10. The file may be consigned to the record room.



**ABHISHEK DEV, IAS
DISTRICT MAGISTRATE
DISTRICT- SOUTH WEST**

Ref. No. 22440

Dated: 23-04-2018

Copy to:-

1. Both the parties.
2. SDM (Dwarka) for necessary action.
3. SHO Concerned.
4. Assistant Programmer, NIC, Kapashera, New Dew Delhi.
5. Guard File.



**ABHISHEK DEV, IAS
DISTRICT MAGISTRATE
DISTRICT- SOUTH WEST**