



**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.: 51002  
Case ID: 20431  
Case No.: 1/46/2018

Dated: 10/9/18

Jagtar Singh & Ors.

Applicant

Vs

Gurpreet Singh & Ors.

Respondent

**ORDER**

A complaint / appeal has been filed by a Sr. Citizen, Sh. Jagtar Singh, which was received in this office on 25.07.2018. The complaint has been filed by the Sr. Citizen against his second son, Sh. Gurpreet Singh and daughter-in-law, Ms. Jaspreet Kaur (Respondents) in which it has been alleged that they have been beaten up and thrown out from their flat (suit property No. H-1/68, Vikas Puri, New Delhi, 1<sup>st</sup> Floor) on 28.06.18 by the above respondents. They have therefore requested that they may be allowed to go back to their house and action should be taken against their second son and daughter-in-law.

As there were some mistakes / errors in the original complaint, the same were pointed out to the appellant/Sr. Citizen who re-submitted a rectified complaint/appeal on the next date of hearing. The respondents were issued notices and they appeared before the court on 16.08.2018, 23.08.2018 and 05.09.2018. On the hearing dated 23.08.2018 the respondents submitted their written statement to the complaint/appeal. In brief, the respondents have submitted that:

- a) The suit property i.e. H-1/68, Vikas Puri is an ancestral property that was allotted by the DDA in the year 1976 in favour of his grandfather Sh. Jaswant Singh.
- b) Since his childhood (approx. 35 years) he has been staying in the suit property with his grandfather and approx. 10-11 years back his parents and his eldest brother, Sh. Narender Pal Singh and his family left Delhi to stay in Cuttack, Orissa for family business.
- c) That after his marriage also they were continuing to stay in this house and after the death of their grandfather in the year 2009, his father and other brothers came back to Delhi to reside in this house.
- d) They have denied the incident on 28.06.2018 in which it has been alleged that they have thrown out their parents from the house. They have stated that they have always given due respect to their parents and have never fought with them.
- e) They have stated that in the year 2016 there was some loss in the family business in Orissa for which money was required by the family and there was an initial move by his family to sell the house however in lieu of that he paid an amount of Rs. 9.5 lakhs to his family members for this purpose after taking loan and by selling the jewellery of his wife.
- f) In the year 2017 when he himself suffered loss in business he demanded the Rs. 9.5 lakhs given earlier to his family which was refused by them and they instead started threatening him (respondent) that if he ask for the return of money they will be thrown out from the ancestral house.

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- g) They have alleged that on 26.06.2018 his parents and his younger brother's wife, Smt. Balween Kaur came to their house in the afternoon (when respondent No. 1 was not in the house) and his wife (respondent No. 2) was threatened by them.
- h) On 27.06.2018, it has been alleged that when he was not at home his father entered his house and bedroom and beat up his wife and abused her. The matter was referred to the police after which both the parties had compromised.
- i) On 27.07.2018, it has been again alleged that his father came inside the house and beat up his wife and abused her which was reported by them to the Police Station, Vikaspuri.
- j) They have alleged that the complaint given by his father does not have any basis and has been done solely with the objective so that the respondent No. 1 does not ask back the amount of Rs. 9.5 lakhs which was given earlier to the family for business.

They have therefore requested that the matter may be dropped.

The SDM (HQ), South West District was directed to conduct an inquiry under Rule 22, Delhi Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the inquiry report was submitted to the undersigned on 31.08.2018. The SDM (HQ) had concluded the following in his report:

*"The undersigned was informed by the complainant that the problems arised after the marriage of their youngest son Sh. Jasbir Singh who was forced out of the house H-1/68, Vikaspuri as the two families could not got along with each other. It is alleged that Sh. Jasbir Singh and his wife are now forced to live on rent after they were physically assaulted and evicted out of the house by the respondent and his wife.*


*Sh. Jagtar Singh, complainant informed the undersigned that he is staying on rent in the same locality i.e. Vikaspuri as the property mentioned above has been occupied by his younger son Sh. Gurpreet Singh his wife Smt. Jaspreet Kaur and their two sons who are studying in 5<sup>th</sup> and 1<sup>st</sup> standard.*

*Sh. Jagtar Singh and his wife have been forced to live on rent as they have apprehension that their son and daughter-in-law might fabricate the complainant in false case. Although the complainant owns three shops in Kashmere Gate, New Delhi and one shop has been transferred to the respondent for his livelihood by the complainant. The complainant and his wife accused the respondent of mistreating them and not taking proper care as expected of a son and daughter-in-law. **During the proceedings wife of the respondent kept behaving rudely with the old couple by shouting and screaming at the complainant and his wife.***

*Version of the Respondent: The respondent refuted the allegations as baseless but **admitted to having sour relations with parents and his brothers.**"*

The relevant provisions of the law i.e. Rule 22 sub-rule 3(1)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2007, states the following:

- (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

  
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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 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.

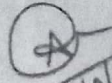
As per the documents on record the complainant Sh. Jagtar Singh is a part owner of the plot No. H-1/68, Vikas Puri with his brother Sh. Surjeet Singh. The plot in question had originally allotted to his father Sh. Jaswant Singh by the DDA on 30.11.1976 and after his death the same was got mutated in favour of him and his brother Sh. Surjeet Singh. As per the report of SDM (HQ) the ground floor of the property is occupied by his brother Sh. Surjeet Singh while the first floor is in his name. This fact has not been disputed by the respondents and in fact admitted in their written statement. Thus, the respondents do not have any title or interest over the suit property.

The complainant has submitted some complaints dated 25.01.2018, 17.07.2018, 20.07.2018 addressed to the Police department as evidence of misbehaviour, harassment and ill-treatment being faced by him and his wife at the hands of the respondents. The bad /sour relations of the complainant and the respondents are also established in the report of the SDM (HQ). As made out from the facts of the case, the Sr. Citizen is living with his wife in rented premises despite having property in his name due to poor relations with the respondents and there is no evidence of payment of any sort of maintenance by the respondents to the complainant.

In view of the provisions of the Act and the Rules and the judgements of the Hon'ble High Court in "Shadab Khairi & Anr. Vs. The State & Ors.", in "Sunny Paul & Anr Vs. State NCT of Delhi & Ors.", the undersigned is inclined to allow the appeal / complaint filed by the Sr. Citizen and hereby directs the respondents to vacate the first floor of the suit property i.e. H-1/68, Vikas Puri within a period of two weeks from the date of receipt of this order.

The SDM (Dwarka) and the SHO, Vikaspuri are directed to render the requisite assistance to the appellant in case this order is not complied with by the respondents within the stipulated timeframe.

Given under my hand and seal on 10.09.2018.

  
10/9/18  
**(ABHISHEK DEV, IAS)**  
District Magistrate  
District South West

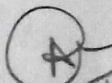
Ref. No.:

Dated:

Copy to:

1. Parties Concerned
2. SDM (Dwarka)
3. SHO (Bindapur)
4. Assistant Programmer, NIC, Kapashera, New Delhi
5. Guard File



  
10/9/18  
**(ABHISHEK DEV, IAS)**  
District Magistrate  
District South West