



**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.: DCSW/2018/1014

Dated: 14/9/18

Case ID: 20217

Case No.: 1/35/2018

Komal Singh

Applicant

Vs

Ajay Singh & Aarti

Respondents

**ORDER**

The complainant Sh. Komal Singh has filed an application dated 14.06.2018 for eviction of his elder son Sh. Ajay Kumar and daughter-in-law Smt. Aarti from his house RZ-575/313, Gali No. 6A, West Sagarpur, Delhi (suit premises). He has alleged that the son and daughter-in-law constantly fight amongst themselves and also with him and his wife. He has submitted that his daughter-in-law Smt. Aarti has also filed a domestic violence case against him and other family members. He has stated that he has disowned the son from his property and also submitted a complaint against his son and daughter-in-law before the local police but not action has been taken in the matter.

The case was heard and reply was received from the respondents. Sh. Ajay Kumar in the proceedings dated 23.08.2018 has agreed to vacate the suit premises and has informed that while he is willing to shift out with his wife from his parents house to a rented house but his wife is not willing for the same and has instead threatened him that she will take hold of this house. He added that his wife has also filed false cases of domestic violence against him and his family.

The other respondent Smt. Aarti W/o Sh. Ajay Kumar has submitted a separate written submission dated 23.08.2018 complaining about the ill-treatment being faced by her at the hands of her in-laws and husband. She informed about the domestic violence case that has been filed by her in the Patiala House Courts against her in-laws and husband. She has requested that she may be allowed to continue to stay in the suit premises or till the time her husband has his own house or has a proper rent agreement in place for a rented accommodation for their family.

The property record submitted by the complainant has been perused and it is evident from the same that the respondents do not have any claim over the suit property neither have they at any stage put forward their claim over the same. The respondent also does not have any protection from eviction granted to her by the Hon'ble Court of Additional Chief Metropolitan Magistrate, Patiala House Court.

As per the provisions of Rule 22 (3)(1) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 (Amended), a report was also sought from SDM (HQ) about the facts of the case, who in his report dated 23.08.2018 has affirmed the troubled relations of the respondents with the appellants and in particular the quarrels of the respondent Smt. Aarti with the other family members and her rigid attitude.

The appellants have also furnished copies of a number of police complaints they have made against the respondents which further affirms the harassment and agony being faced by them due to the frequent quarrels of the respondents between each other and with them.

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The Hon'ble High Court of Delhi in "Sunny Paul & Anr had held that

*"Keeping in view the aforesaid conclusions, this Court is of the view that the Act, 2007; amongst other remedies, provides for eviction of adult children in cases of parental abuse-like in the present case. Accordingly, the present writ petition and application are dismissed and the concerned SDM and SHO, Police Station Civil Lines, are directed to forthwith comply with the impugned order dated 1<sup>st</sup> October, 2015 passed by the Maintenance Tribunal, Central District, Delhi."*

In Sachin and Anr Vs Jhabbu Lal and Anr the Hon'ble Delhi High Court has observed that:

*"Here the house is self acquired house of the parents, son whether married or unmarried, has no legal right to live in that house and he can live in that house only at the mercy of his parents upto the time the parents allow. Merely because the parents have allowed him to live in the house so long as his relations with the parents were cordial, does not mean that the parents have to bear his burden throughout his life."*

The Hon'ble High Court of Delhi, in Shadab Khairi & Anr Vs The State & Ors has held that:

*"The object for which the Act as well as the subject Rules, extracted hereinabove, were brought into force, namely, for the welfare of parents and senior citizens and for protection of their life and property, leave no manner of doubt that the Maintenance Tribunal constituted under the Act has the power and jurisdiction to render the order of eviction."*

Finally the Hon'ble High Court in Smt. Darshna Vs The Govt. of NCT of Delhi & Ors. has held that:

*"In the present case, excluding daughter-in-law from the scope of Rule 22(3)(1)(i) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 as amended would debilitate the provisions of the Rules and render it incapable to serve the object of Section 22 of the Act. It is difficult to accept that although a senior citizen is entitled to evict his/her son who is maltreating him, he/she has no option but to suffer the ill-treatment at the hands of his/her daughter-in-law. A daughter-in-law's right to reside in the premises of her in-laws cannot be greater than her husbands'. The expression "son and daughter or legal heirs" as used in the aforesaid Rules must also take within its sweep the families of the daughter/son, of a senior citizen. The term "legal heirs" must be understood in the broadest sense. Indisputably, a daughter-in-law is also a heir in certain circumstances (widow or a pre-deceased son)."*

In view of the above facts of the case, the provisions of Delhi Maintenance and Welfare of parents and Senior Citizen Act, 2007 and the Rules thereunder and the above quoted judgements of the Hon'ble High Court, the undersigned directs the respondents to vacate the suit property within a period of two weeks from the date of receipt of this order. The respondent No. 1 is directed to provide them proper accommodation to his wife and daughter and take care of them as undertaken, by him before the undersigned in his written submission dated 23.08.2018.

The SDM (Dwarka) and SHO, Sagarpur to render the requisite assistance to the appellants in case the order is not complied with, within the stipulated time frame.

Given under my hand and seal on 13.09.2018.



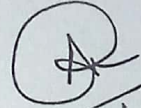
(ABHISHEK DEV, IAS)  
District Magistrate  
District South West

Ref. No.:

Dated:

Copy to:

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



2/9/18  
(ABHISHEK DEV, IAS)  
District Magistrate  
District South West