



**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.: 30663

Dated: 30/10/18

Case ID: 20156

Case No.: 1/31/2018

Manju Nangia

Appellants

Vs

Deepak Nangia & Ors.

Respondents

ORDER

A complaint / appeal dated 11.06.2018 has been filed by Smt. Manju Nangia, a widow and Sr. Citizen against her son Sh. Deepak Nangia and daughter-in-law, Smt. Pooja Nangia and her second son Sh. Rishi and Daughter-in-law Smt. Amrita. It has been stated in the complaint that she is a resident of RZ-D-3/33, Gali No. 8, Second Floor, Flat No. 201, Mahavir Enclave and that the said property is in her name. She has alleged that both her sons and daughter-in-laws have been fighting with her on petty matters and have also beaten her up in the past. It has also been alleged that they also do not give her food on many days in the past and neither do they get her treated during her illness or give her any amount for treatment. She stated that she has been thrown out from the house for the past one and a half to two years and is passing her life with great difficulty. She has therefore requested that her property should be restored back to her.

The respondents have given a joint written submission on 08.08.2018 stating that the said property even though is in the name of their mother (the complainant/appellant) but it was actually purchased by their late father Sh. S.K. Nangia. Their mother was a house wife on the date of purchase of the property. They have attached some documents regarding payments of electricity bill, water charges of the house and payment details of some other small household items. Both of them have claimed that their financial situation is not well and they cannot independently stay out of the suit property. It may be noted that they have not denied the allegations made against them and have not been able to provide any justification of their ownership over the suit property.

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 12.07.2018. The SDM (HQ) has stated in the report that the complainant Smt. Manju Nangia stays in a local gurudwara of spends the night at her relatives place as she has been barred entry in her own house. It has also been stated in the report that the complainant had financed the purchase of two autorickshaws which are being used by one of the respondents Sh. Deepak Nangia to earn his livelihood and that the complainant had also helped her sons financially from the pension received by her on behalf of her husband. In the inquiry report the SDM (HQ) has stated that Sh. Deepak Nangia and his brother Sh. Rishi are ready to vacate the entire house once the orders are passed by the court.

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:




29/10/18

7 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 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:

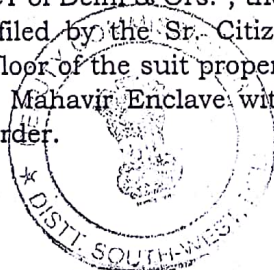
a) Specify the grounds on which the order of eviction is proposed to be made; and

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.

The complainant / appellant has presented a registered Sale deed of the suit property dated 22.12.2008, which shows that the appellant namely Smt. Manju Nangia is the owner of the suit property. The respondents themselves have not claimed any ownership over the suit property.

The appellant has given evidence of past complaints made against the respondents before the SHO, Palam dated 21.05.2018, 11.12.2015 which clearly shows that the respondents have been ill treating their widow mother (Appellant). The appellant has also filed submission before the Hon'ble Chief Minister, NCT of Delhi for legal aid for eviction of the respondents. The appellant has also provided a copy of public notice in the newspaper dated 24.05.2018 disowning of both sons and daughter-in-laws from her property on account of their dis-respectful behaviour.


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. RZ-D-3/33, Gali No. 8, Second Floor, Flat No. 201, Mahavir Enclave within a period of two weeks from the date of receipt of this order.



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The SDM (Dwarka) and the SHO, Palam 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 29.10.2018.

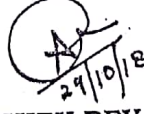

(ABHISHEK DEV, IAS)
District Magistrate
District South West

Dated:

Ref. No.:

Copy to:

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


(ABHISHEK DEV, IAS)
District Magistrate
District South West

