



**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.: 30646  
Case ID: 20639  
Case No.: 1/63/2018

Dated: 30/10/18

Shrawan Kumar

Appellants

Vs

Dheeraj & Mala Devi

Respondents

**ORDER**

A complaint / appeal dated 27.02.2018 has been filed by Sh. Shrawan Kumar Sr. Citizen resident of A-60,61, Rajan Vihar, Hastal, Uttam Nagar, against his eldest son Sh. Dheeraj and daughter-in-law Smt. Mala Devi (now thereafter referred as respondents). He has stated that the respondents stay in two rooms of Plot No. 61 after their marriage in the year 2006 and had been fighting with him post their marriage. In the year 2007 the respondents had vacated the house but had come back again in the year 2010 after intervention of the relatives. Their behaviour remained fine only for seven-eight months after which they again become abusive and quarrelsome and the matter was also brought in the notice of the police. Further, while the respondents are staying without any payment in the house but they are not contributing anything towards the household expenses, bills and neither paying any maintenance. He has therefore requested for eviction of the respondents from H. No. A-61, Rajan Vihar, Hastal (suit property) at the earliest.

The respondents have submitted a written reply on the proceeding dated 29.08.2018 in which they have stated that the complaint against them has been filed only to satisfy the personal ego of the complainant and stated that the appellant is not even a Sr. Citizen and claimed that he is of age of 55 years only as per the election ID and Aadhar Card. However no proof has been submitted in this regard.

They have stated that the appellant is earning well, while their own financial condition is not good. Further, while the appellant has two houses one of which having an area of 50 Sq. Yds. and the other one having an area of 75 Sq. Yds, they themselves are only living in two out of the four rooms of H. No. A-61 and the rent of the other two rooms is being collected by the appellant. They have therefore requested for the dismissal of the case.

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 15.09.2018. The SDM (HQ) has stated in the report that the complainant has a total of five children of which the respondent is the eldest son who is the only married son, while the daughter of the appellant is married and settled. The appellant, his wife and three sons live in H. No. A-60 while the respondents live in two rooms out of four in H. No. A-61. The respondent, Smt. Mala Devi (daughter-in-law of the complainant) has levelled allegations of molestation against her father-in-law and of assault by one of her brother-in-laws.

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:



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29/10/18



- (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 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:
- Specify the grounds on which the order of eviction is proposed to be made; and
  - 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 submitted a registered GPA of the suit property dated 23.07.1996, Will dated 23.07.1996 and notarised Agreement to Sell dated 30.07.1996 to establish his claim over H. No. A-61, Rajan Vihar, Hastal, Uttam Nagar. The respondents have not claim ownership over the suit property.


The appellant have given evidence of past complaints made against the respondents before the SHO, Uttam Nagar dated 18.09.2007 and 23.02.2018 which clearly show that the parties do not maintain good relations to each other. This is also established from the report of the SDM (HQ) dated 15.09.2018.

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 two rooms of H. No. A-61, Rajan Vihar, Hastal, Uttam Nagar within a period of two weeks from the date of receipt of this order.

The SDM (Dwarka) and the SHO, Uttam Nagar 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.




  
29/10/18  
**(ABHISHEK DEV, IAS)**  
**District Magistrate**  
**District South West**

Ref. No.:

Dated:

Copy to:

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

  
29/10/12  
(ABHISHEK DEV, IAS)  
District Magistrate  
District South West

