



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Reserved on: 22<sup>nd</sup> July, 2024**

**Pronounced on: 17<sup>th</sup> September, 2024**

+ **W.P.(C) 12561/2023, CM APPL. 49558/2023**

ABHISHEK GROVER .....Petitioner

Through: Mr. Rohit K. Nagpal and Mr. Deepak  
Sain, Advocates.

versus

DIVISIONAL COMMISSIONER DELHI & ORS. ....Respondents

Through: Ms. Mehak Nakra, ASC, GNCTD  
with Mr. Devansh Solanki and  
Mr. Uaman Aditya, Advocates.

+ **W.P.(C) 3860/2023**

INDERJEET GROVER & ANR. ....Petitioners

Through: Mr. Parikshit Mahipal, Advocate.

versus

ABHISHEK GROVER AND ANR. ....Respondents

Through: Mr. Rohit K. Nagpal and Mr. Deepak  
Sain, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**JUDGMENT**

**SANJEEV NARULA, J.**

1. This common order disposes of the above-captioned writ petitions,



both arising from the order dated 23<sup>rd</sup> February, 2023,<sup>1</sup> passed by the Divisional Commissioner, which set aside the order of the District Magistrate (Central) under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007,<sup>2</sup> and Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009. The afore-said orders directed the eviction of Mr. Abhishek Grover, the son of Mr. Inderjeet Grover and Mrs. Pushpa Grover, along with a direction to pay INR 15,000/- to the senior citizens as use and occupational charges. Both parties are aggrieved by the said directions and have preferred the present writ petitions.

### **THE PARTIES AND THE PROPERTIES**

2. Mr. Inderjeet Grover and Mrs. Puspha Grover,<sup>3</sup> the Petitioners in W.P.(C) 3860/2023, are father and mother of Respondent No. 1, Mr. Abhishek Grover,<sup>4</sup> who is the Petitioner in W.P.(C) 12561/2023.

3. The senior citizens assert absolute ownership on commercial properties bearing No. 6422-23, Nabi Karim Pahar Ganj, New Delhi-110055 and T-551, Shop No. 14, 1<sup>st</sup> Floor, Prakash Market, Nabi Karim, New Delhi-110055.<sup>5</sup> However this ownership is contested by their son, who asserts his exclusive ownership over the properties in question.

### **SUBMISSIONS MADE BY THE PARTIES**

4. Counsel for the senior citizens has presented the following facts and contentions:

4.1. Mr. Inderjeet Grover is the owner of property bearing No. 6422-23,

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<sup>1</sup> “the impugned order”

<sup>2</sup> “the Act”/ “the Senior Citizens Act”

<sup>3</sup> “the senior citizens”

<sup>4</sup> “the son”

<sup>5</sup> collectively, “the properties in question”/ “the subject properties”



Nabi Karim Paharganj, New Delhi-110055 under a registered Will dated 07<sup>th</sup> February, 1992. Mrs. Pushpa Grover claimed ownership of property No. T-551, Shop No. 14, 1<sup>st</sup> Floor, Prakash Market, Nabi Karim, New Delhi-55 under title deeds such as GPA, ATS, SPA, Possession Letter, Receipt dated 29<sup>th</sup> March, 2000 and also a registered Will bearing registration No. 5670 dated 29<sup>th</sup> March, 2000.

4.2. It is the Petitioners' case that after the marriage of their son with Ms. Riya Grover, the conduct of the son and his wife has not been cordial towards the senior citizens. They have been subject to torture both mentally and physically and have been repeatedly insulted and abused and the hands of their son and his wife. As a result, in 2018, the senior citizens disinherited their son and daughter-in-law. In 2019, a Kalandra under Sections 107 and 116 of the Code of Criminal Procedure, 1973 was lodged against Mr. Abhishek Grover and his wife by the Sub-Divisional Magistrate, Loni, on instructions of District Magistrate, Ghaziabad.

4.3. Subsequently, as a counterblast and to harass and pressurize the senior citizens to give up their properties, a complaint under the Protection of Women from Domestic Violence Act, 2005,<sup>6</sup> against them and their daughter, who is a resident of Australia, was filed by Ms. Riya Grover before the Court of Additional Chief Judicial Magistrate-1, Ghaziabad.

4.4. In 2019, two civil suits [CS 603/2019 and CS 602/2019] were instituted by Mr. Abhishek Grover against the senior citizens of which, the former suit was dismissed as withdrawn subject to cost of INR 10,000/- and the latter rejected the son's plaint under Order 7 Rule 11 of the Code of Civil

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<sup>6</sup> "the Domestic Violence Act"



Procedure, 1908.

4.5. Thereafter, several other criminal cases were also initiated by Mr. Abhishek Grover against the senior citizens including proceedings under Sections 452, 323, 504, 506, 397, 427 of the Indian Penal Code, 1860, along with a defamation case.

4.6. Since the senior citizens had been living in a tensed environment and were deprived of their earnings from the properties in question, on 29<sup>th</sup> August, 2019, they filed an application for eviction of Mr. Abhishek Grover from the properties in question. A report in terms of Rule 22(3)(1)(ii) and (iii) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016 was submitted by the Sub-Divisional Magistrate, Karol Bagh for verification of title of the subject properties. Taking note of the said report and after hearing the parties, the District Magistrate through order dated 07<sup>th</sup> July, 2022, concluded that Mr. Inderjeet Grover and Mrs. Puspha Grover had sufficiently proven ill-treatment and non-maintenance at the hands of Mr. Abhishek Grover and, accordingly, an order was passed directing Mr. Abhishek Grover to vacate the properties in question.

4.7. Mr. Abhishek Grover challenged the District Magistrate's order before the Appellate Authority. In the said proceedings, the Divisional Commissioner dismissed his interim application for stay through order dated 23<sup>rd</sup> August, 2022. Aggrieved by the same, Mr. Abhishek Grover filed a writ petition [W.P.(C) 12528/2022] wherein the Court passed an interim order dated 30<sup>th</sup> August, 2022 granting interim stay of the Divisional Commissioner's order. Subsequently, on 14<sup>th</sup> December, 2022, the said writ petition was disposed of with a direction that the interim order dated 30<sup>th</sup>



August, 2022 shall continue, subject to payment of INR 15,000/- per month by Mr. Abhishek Grover to the senior citizens, till the final order was passed by the Appellate Authority. Thereafter, a review petition was filed by Mr. Abhishek Grover and through decision dated 13<sup>th</sup> January, 2023, the Court observed as under:

*“8. Insofar as the order dated 14th December 2022 of this Court, review of which is sought, on the said date, the order was passed after hearing and consideration of the matter. The Petitioner is the son of the Respondent and is in occupation of the property. The payment of Rs. 15,000/- per month by the Petitioner, to the Respondents is concerned, there is an eviction order dated 7<sup>th</sup> July 2022 passed against the Petitioner/ Review Applicant and it is not in dispute that he is in occupation of the premises in question. Having suffered an order from the District Magistrate, in order to balance equities, during pendency of the Appeal, the said payment was directed. There is no apparent error in the said order, which calls for a Review of the same. Thus, the said payment for use and occupation of the premises in question shall be made by the Petitioner/ Review Applicant. Any payment made shall be subject to the outcome of the order of the Divisional Commissioner.*

*9. The Divisional Commissioner shall ensure the strict compliance of the order passed by this Court on 14<sup>th</sup> December, 2022 before taking up the Appeal for hearing. In view of the fact that the review application was filed and the time for deciding the appeal would lapse, the Divisional Commissioner is given one more month to decide the appeal subject to the payment decided by this Court vide order dated 14<sup>th</sup> December, 2022.”*

4.8. Following the afore-noted order, the appeal proceedings before the Appellate Authority were concluded through the impugned order dated 23<sup>rd</sup> February, 2023, whereby the order of eviction passed by the District Magistrate was set aside, subject to Mr. Abhishek Grover paying property tax, water and electricity charges of the properties in question along with INR 15,000/- per month to Mr. Inderjeet Grover and Mrs. Puspha Grover.

4.9. The senior citizens have alleged that they are subject to constant physical and mental torture at the hands of their son. They have been ill-



treated by their son, who has disrespected, insulted and abused them and have denied to fulfil even their basic needs. They have been harassed through multiple civil and criminal cases and are forced to spend their advanced stage of life, in litigation. It is further explained that Mr. Abhishek Grover trespassed into the properties in question which were their only source of income and livelihood.

4.10. It is contended that the ownership of the senior citizens over the properties in question cannot be disputed. The facts of the case clearly demonstrate they were ill-treated and not looked after by their son. Hence, there exists sufficient cause to be seeking eviction of Mr. Abhishek Grover and, therefore, the Appellate Authority has, without appreciating the facts correctly, arbitrarily interfered with the decision of the District Magistrate.

4.11. In this background, the senior citizens have invoked Article 226 of the Constitution of India, 1950, seeking eviction of Mr. Abhishek Grover from the properties in question.

5. *Per contra*, counsel representing Mr. Abhishek Grover strongly denied the parents' rights over the properties in question and argued that the direction for payment of maintenance is legally unsustainable as he is the sole owner of the subject properties. It is his case that the commercial property No. 6422-23 has been bequeathed to him by his grandmother, Mrs. Basanti Devi, through Will dated 30<sup>th</sup> March, 1995, which has also been noted in the report of the Sub-Divisional Magistrate. The other commercial property bearing No. T-551 was purchased out of his earnings in the name of his mother, out of respect. It was his hard work which augmented the joint family business to the extent that the family could buy two properties



in Ankur Vihar, Ghaziabad and could also send his younger sister for studies to Australia, who later got married there. Thus, he is the absolute owner of the properties in question and has been in uninterrupted possession of the said properties for last 26 years. The District Magistrate and Appellate Authority have failed to exercise their jurisdiction by not considering the Will of Late Mrs. Basanti Devi in his favour and have passed the order of eviction in a mechanical manner, without appreciating the fact that the dispute between the parties is of a civil nature that cannot be resolved by the proceedings under the Senior Citizens Act.

### **ANALYSIS AND FINDINGS**

6. The Court has considered the afore-noted contentions and carefully perused the documents on record. At the outset, it must be highlighted that after conclusion of arguments and once the matters were reserved for orders, Mr. Abhishek Grover filed CM APPL. 43702/2024 wherein he disclosed that he had paid INR 60,000/- on 26<sup>th</sup> July, 2024, towards the pending accumulated dues of INR 1,50,000 as per the impugned directions. Additionally, Mr. Abhishek Grover expressed his willingness to settle the matter amicably by undertaking to pay the remaining balance in equal instalments over the next six months, along with the agreed monthly maintenance amount. In this context, Mr. Grover has made the following prayers through his application:

*“A) Present application may be allowed and Petitioner be allowed to pay a sum of Rs. 15,000/- per month as maintenance to the Respondents no. 2 & 3 in view of Section 9 of Delhi Maintenance and Welfare of Parents and Senior Citizen Rules 2009 without prejudice to his other rights and contentions as per law.”*



7. The arguments on the application were heard on 01<sup>st</sup> August, 2024 and it was directed that the decision on the application shall be rendered along with the present petitions.

8. The provision allowing the senior citizens to seek eviction of their children was introduced through an amendment in the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009. Rule 22(3)(1)(iv) of the Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2016, outlines the procedure for eviction in cases where a senior citizen or parent is being harassed or ill-treated by a son, daughter, or any other legal heir, or is being deprived of the property rights. It provides for filing of an application by the senior citizen to the District Magistrate. On such an application, the District Magistrate may conduct an inquiry to satisfy themselves about the facts of the case and can order the eviction of the son, daughter, or legal heir if they are occupying the property of the senior citizen without providing them with proper maintenance or treating them with dignity. Regarding the dispute of ownership set up by Mr. Abhishek Grover, it must be observed that as per the framework of the Senior Citizens Act, the senior citizen only has to demonstrate some right, title, or interest in the property from which eviction is sought—it could be self-acquired, ancestral, or a property in which the senior citizens have any rights or interests. The District Magistrate can rely on various documents, such as reports from the Sub-Divisional Magistrate or other evidence, to ascertain the title or right of the senior citizen over the property. At the same time, it must be emphasized that the Senior Citizens Act and the Rules framed thereunder do not mandate a full adjudication of title. The procedure





is summary in nature, intended to protect the rights of senior citizens promptly. Absolute ownership of the property by the senior citizens is not a strict requirement; a demonstrable interest in the property suffices. This has also been considered in *Manju Tokas & Anr. v. Govt of NCT Delhi*,<sup>7</sup> where the Court observed that even if there is a modicum of right of senior citizens over the property, they are entitled to file an application for eviction in respect of such property.

9. In the instant case, the District Magistrate has appropriately relied upon the report of the Sub-Divisional Magistrate, Karol Bagh, to ascertain the title of Mr. Inderjeet Grover and Mrs. Pushpa Grover over the properties in question. The Appellate Authority has not made any adverse findings against the title of the senior citizens but has instead provided the parties with the liberty to approach the Court of competent jurisdiction to adjudicate on the matter of title. The mere assertion of ownership by Mr. Abhishek Grover, based on an unproven Will that has not been established as valid evidence before a Court of law, does not negate the right of the senior citizens to seek eviction under the Act. Interpreting the law to require a conclusive determination of title in favour of the senior citizens before they can exercise their right to eviction would undermine the very purpose and objective of the Senior Citizens Act, which is designed to provide immediate and effective relief to senior citizens from harassment or neglect by their children or legal heirs. The Act operates on a summary basis to ensure that senior citizens are not left without remedies due to prolonged litigation over property disputes. Thus, the objections raised by Mr. Abhishek Grover,

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<sup>7</sup> 2024:DHC:4347



disputing the title of the senior citizens, are, in the opinion of the Court, entirely without merit. They appear to have been urged solely to frustrate and delay the legitimate claims of the senior citizens over the properties in question, contrary to the spirit and purpose of the Senior Citizens Act.

10. Pertinently, it must be noted that Mr. Abhishek Grover initiated two civil suits [CS 602/2019 and CS 603/2019] to assert his rights in the properties in question. It is noted that the suit bearing No. CS 603/2019 was dismissed as withdrawn and CS 602/2019 was a partition suit. In the said suit, Mr. Abhishek Grover argued that him along with his parents constitute a Hindu Undivided Family and therefore, he is the co-owner of the properties in question. This argument was dismissed by the Civil Court through order dated 29<sup>th</sup> March, 2022 and the plaint was rejected under Order 7 Rule 11 of the Code of Civil Procedure, 1908. The said order reads to the following effect:

*“11. Now, coming to the averments in the plaint. It is mentioned in the plaint that there is a HUF between plaintiffs and defendants. Needless to say the name of HUF is not mentioned, how the HUF came into being, since which year it came into being is not mentioned in the plaint, what was the modes operandi of the HUF is not mentioned, how joint fund was created nothing is mentioned. Needless to say it is not mentioned that there existed any joint fund, who contributed money in it, how it was contributed, how the money was apportioned, the details are completely lacking. Rather plaintiff has only filed his Income Tax Returns (ITRs) on record from the year 2011 onwards wherein returns have been filed by him under the name Abhishek Grover HUF' which is denied by defendants. Defendants have denied that they ever filed any joint Income Tax with plaintiffs. Further it is not mentioned in the plaint if there was any joint business which was being run by plaintiff, under what name the said business was run, how it was run by joint family, who was the karta, the details are completely lacking. It is the case of plaintiff that he used to handover money to his father. But the details regarding the same are completely lacking. There are no specific pleadings what was the income of plaintiff in the year 1999 when first property was purchased when he*



*was only 22 years of age or in the year 2000 when second property was purchased or in the year 2004 when third property was purchased. Rather it is not pleaded anywhere by plaintiff that he can produce his Income Tax Returns for those years too.*

*12. Further it is not mentioned that there is any eye-witness before whom the money was handed over to the defendants by the plaintiffs at the time of purchase of those properties.*

*13. These properties were purchased from the year 1999 till 2004. Plaintiff has not filed his bank account statements of the said years. He has not narrated any specific incident nor given specific pleadings regarding the same in his plaint nor he claimed that there is any eye-witness who can testify regarding the same.*

*14. It is needless to say there are several litigations both Civil and Criminal filed by the present plaintiff against his father and mother who are defendants here.*

*15. Hence in the plaint, specific pleadings regarding the creation of HUF, how the HUF operated, when joint fund was created by HUF and if so how it was operated, details of the income tax of the HUF, how the money of HUF fund was being utilized, the details are completely lacking.*

*16. Though it is correct that at the time of trial, plaintiff is given opportunity to lead evidence but evidence cannot be beyond pleadings. On the one hand, there are defendants who are registered owners of these three properties. On the other hand it is plaintiff who claims half ownership in these properties on the basis of oral averments, details of which are lacking in the plaint.*

*17. In these circumstances, there does not appear to be a cause of action in favour of the plaintiff. The suit is filed on the basis of vague and frivolous averments. Hence there is no cause of action and the suit is hereby rejected. Application under Order 7 Rule 11 is allowed accordingly. File be consigned to record room.”*

11. Considering the above-noted observations and the fact that there are no probate proceedings or any other declaration of the Court that establishes the ownership of Mr. Abhishek Grover through the Will asserted by him, it is evident that senior citizens have the right to seek eviction on the basis of their title claim. This Court, therefore, finds no reason to entertain the objections raised by Mr. Abhishek Grover, which would only serve to deprive the senior citizens of their right to peacefully enjoy their properties



without undue interference.

12. As regards the question of ill-treatment, the District Magistrate has on the basis of the documents and evidence adduced, concluded that Mr. Inderjeet Grover and Mrs. Puspha Grover were ill-treated and physically and mentally harassed by Mr. Abhishek Grover. The Appellate Authority, does not disturb this finding of ill-treatment, but makes its own impression about the situation in hand. The perceptions drawn are noted in the impugned order which can be seen from the following extracts:

*“11. During the arguments, the appellant with heavy heart stated that for him his parents were above God and he used to drink water after washing their feet to which the respondents stated that he used to be respectful but now he even stopped listening to them. The respondents are residing in house bearing MM-63, DLF Ankur Vihar which is ad measuring 316 Square Yards consisting of 2 floors from which the appellant and his family was evicted. The respondents are also solely in occupation of Commercial property bearing no. S-14, DLF Ankur Vihar, Ghaziabad which is admeasuring 220 Square Yards having basement and ground floor which can be even rented out also. During the hearing, it was clear that there is distrust between the two sides. The appellant feel that the respondents have leaned towards and is influenced by her sister and her family. Despite his being reverential towards the respondents, he is being debarred from family properly in the making of which he too contributed. Of course it is difficult to believe the appellant when he says that only he made family properties or that he used to drink water, washed from the feet of respondents. The appellant side has tendency to amplify the facts. On the other hand the respondents seems to be angry with the appellant for allegedly being under control of his wife and his in-laws side and for even diverting the family earnings for the benefit of in-law side. During the hearing, the respondents did not deny that the appellant showed respect to them. During the hearing, which was quite detailed, the respondent no 1 seemed quite vocal, argumentative and dominating over his son i.e. appellant. The respondent essentially seem to want that their son i.e. the appellant. should be under their control. Of course, it is also true that Domestic Violence case has been filed by the appellant's wife against the respondents. This obviously has inflamed the relations between the two sides. The complaint before District Magistrate is post the Domestic Violence case by the appellant's wife. The proceeding thus reveal that there is property dispute as a result of mistrust and consequent acrimony*



*and court cases. The respondents feel that it is a case of ill-treatment, given the conduct of the appellant and the Domestic Violence case by his wife. Appellant and his wife are now staying separately from the respondents. The respondents have other properties too. The properties in dispute are not residential but commercial that lead to earning. The appellant and his wife too have to sustain themselves. The daughter-in-law has rights under Domestic Violence Act. There has to be harmonious balance between the rights of daughter-in-law and senior citizens. Women and elderly are vulnerable groups. There are two beneficiary legislations - Domestic Violence Act for daughter-in-law / Women and Senior Citizen Act for senior citizens the judgment of the Hon'ble Supreme Court in Vanitha's case is relevant. In view of this, the appellant must share with the respondents earnings from the property in question and also bear operational expenses. The appellant shall pay the property tax, water and electricity charges of the properties in question along with Rs. 15,000 p.m. to the respondents, and subject to it, the impugned order is set aside. As regards inter se property dispute between the parties, they are at liberty to approach the court of competent jurisdiction.*

*12. Appeal stands disposed of accordingly. Copy of this order be provided to both parties. Record of the Proceedings before DM (Central) be also sent back to DM with the copy of this order.”*

13. Thus, it can be seen that the Appellate Authority, while noting that Mr. Inderjeet Grover and Mrs. Pushpa Grover are allegedly displeased with Mr. Abhishek Grover for diverting the family earnings to his wife and in-laws, does not draw any substantive conclusions from this observation. Instead, the Appellate Authority merely characterizes the situation as one of “mistrust and consequent acrimony” between the parties, without addressing the core issue of whether the senior citizens were indeed subjected to ill-treatment as initially found by the District Magistrate. Furthermore, the Appellate Authority’s reasoning that Mr. Abhishek Grover must also have earning from the properties to sustain his family does not rebut the finding of ill-treatment or harassment, which is supported by the evidence presented before the District Magistrate. Rather than providing a thorough evaluation



of whether the conduct of Mr. Abhishek Grover met the threshold of “ill-treatment” under the Senior Citizens Act, the Appellate Authority appears to have substituted the District Magistrate’s findings with its own speculative inferences. By focusing on peripheral issues such as the perceived “mistrust” and “acrimony” between the parties, the Appellate Authority overlooks the legislative intent behind the Senior Citizens Act, which is to provide a speedy and efficacious remedy to senior citizens who are subjected to neglect or mistreatment by their children or legal heirs and has diluted the findings of ill-treatment by shifting the focus away from the protection of senior citizens’ rights. This has effectively minimized the legal consequences of the ill-treatment reported by Mr. Inderjeet Grover and Mrs. Pushpa Grover. The observations made by the Appellate Authority do not directly address the grievance urged by the senior citizens or deal with the facts that support the District Magistrate’s order. Consequently, the Appellate Authority’s reasoning appears to be more of a generalized commentary on the strained relationship between the parties, rather than a reasoned analysis that justifies the reversal of the eviction order. In light of the above, the Court finds that the Appellate Authority’s decision to set-aside the District Magistrate’s order lacks a sound legal basis. Thus, the reversal of the District Magistrate’s order is wholly unjustified.

14. The Court is also of the opinion that the Appellate Authority’s attempt to balance the rights of the parties by imposing a payment obligation on Mr. Abhishek Grover does not provide a direct answer to the allegations of ill-treatment and harassment faced by the senior citizens. Once the finding of ill-treatment was established by the District Magistrate, the logical and



legally sound course of action would have been to uphold the eviction order to protect the senior citizens' right to live free from such mistreatment. Therefore, the direction for payment serves only as a partial measure, and does not sufficiently address the rights and protections intended for senior citizens under the Act. As noted above, Mr. Abhishek Grover now seems to have realized his responsibility and has expressed his willingness to pay INR 15000/- per month, but his parents are not willing to accept the same. They do not want to dilute or compromise their right of eviction. Thus, the direction of the payment of INR 15,000/- per month, will continue only till such time Mr. Abhishek Grover delivers over the vacant possession of the properties to the senior citizens.

15. The Appellate Authority has also considered that the daughter-in-law's rights under the Domestic Violence Act needs to be harmoniously balanced with the rights of senior citizens in light of the decision rendered in and *S. Vanitha v. The Deputy Commissioner, Bengaluru, Urban District and others*.<sup>8</sup> However, this consideration appears to be misplaced in the present case. At no point during these proceedings did Mr. Abhishek Grover assert his wife's right of residence to counter the eviction action initiated by the senior citizens. Notably, the daughter-in-law is not even a party to the present proceedings. The properties in question are commercial, not residential, and the senior citizens are seeking their vacation to enable them to enjoy the earnings derived from these properties. In such circumstances, there is no right of residence that the daughter-in-law could claim over these commercial properties. Furthermore, it is evident from the proceedings

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<sup>8</sup> (2021) 15 SCC 730.



before the District Magistrate that the daughter-in-law never asserted her right of residence, nor was any such claim raised. The reference to the domestic violence complaint surfaces for the first time in the Divisional Commissioner's order, which lacks any cogent reasoning or substantiated observations for introducing this aspect. The Court, therefore, finds that the reliance on the decision in *S. Vanitha* to interfere with the order of the District Magistrate was unwarranted in the specific facts and circumstances of the present case.

16. In conclusion, the ownership of the properties by the senior citizens, Mr. Inderjeet Grover and Mrs. Puspha Grover, stands substantiated by the verification conducted by the District Magistrate, relying on the report of the Sub-Divisional Magistrate. It is also clearly established that the senior citizens have been subjected to ill-treatment, thereby entitling them to seek eviction of Mr. Abhishek Grover from the properties in question. Given that the senior citizens have been unable to secure possession and, consequently, deprived of any income generated from these properties, the direction by the Appellate Authority for the payment of INR 15,000/- per month towards the use and occupation of the properties by Mr. Abhishek Grover is justified and ought to be sustained. This payment serves as a fair measure to compensate the senior citizens for the loss of income from the properties while ensuring a degree of equitable relief in the circumstances presented.

17. In view of the foregoing, the following directions are passed:

- a. The W.P.(C) 3860/2023 is allowed.
- b. The impugned order dated 23<sup>rd</sup> February, 2023 passed by the Divisional Commissioner is set aside and the order of the District Magistrate





(Central) is restored.

c. The W.P.(C) 12561/2023 is dismissed along with pending application(s), if any.

d. Since the senior citizens could not secure the possession of the properties in question and are consequently deprived of earnings, the directions given by the Appellate Authority of payment of INR 15,000/- per month towards use and occupation of the properties shall continue to remain in force till such time the vacant possession of the properties is delivered to the senior citizens.

18. With the above directions, the writ petitions are disposed of.

**SANJEEV NARULA, J**

**SEPTEMBER 17, 2024**

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