



2026:DHC:1759



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 26<sup>th</sup> February, 2026*+ CRL.M.C. 1575/2026 & CRL.M.A. 6373/2026 & CRL.M.A.  
6374/2026

JYOTI

.....Petitioner

Through: Mr. Sunil Kumar, Advocate.

versus

STATE NCT OF DELHI &amp; ORS.

.....Respondent

Through: Mr. Raj Kumar, APP for the State.

**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Petitioner seeks setting aside of order dated 31.01.2026 passed by District Magistrate Court (West) in Eviction Petition No.1239/DCW/2025 tilted as *Smt. Vijay Rani vs. Sh. Ajit Kumar and Anr.* whereby she has been directed to be evicted from the premises in question within 30 days.
2. The foremost grievance of the petitioner is to the effect that, she already had an order from the concerned Magisterial Court before whom she had filed a petition under Section 12 of *Protection of Women from Domestic Violence Act, 2005* (PWDV Act) and while considering the same, the learned Magisterial Court *vide* order dated 13.12.2025 has restrained respondent No.3 herein from dispossessing the petitioner as well as her two minor children from the shared household, except with due course of law until further orders.
3. It is submitted that since the legal representation is prohibited in the such Eviction Proceedings filed under *Maintenance and Welfare of Parents*



and Senior Citizens Act 2007 and Rules made thereunder, the abovesaid aspect could not be highlighted by her before the learned District Magistrate Court which has resulted in the abovesaid eviction order and apparent paradox. Learned counsel for the petitioner relying upon *Smt. S. Vanitha vs. The Deputy Commissioner Bengaluru Urban District & Ors.* (2021) 15 SCC 730 submits that the provisions of *Maintenance and Welfare of Parents and Senior Citizens Act 2007*, cannot be deployed to override and nullify the other protection in law, particularly that of right of a women of shared household under Section 17 of PWDV Act.

4. Fact, however, remains that the abovesaid order dated 31.01.2026 is appealable order and said order itself records that the appeal would lie under Rule 22 (3) (4) of *Delhi Maintenance and Welfare of Parents and Senior Citizens Rules 2009*, and the period of limitation is 60 days which has yet not expired.

5. In view of the above, the present petition, without making any observation with respect to the merits of the case, is disposed of with liberty to petitioner to file appropriate appeal before the learned Divisional Commissioner.

6. Learned counsel for the petitioner submits that as per the abovesaid eviction order, the possession of the premises in question is required to be handed over within 30 days failing which the concerned ACP and SHO can take coercive action against the petitioner and he seeks a short breather.

7. Keeping in mind overall facts and purely on humanitarian grounds, concerned ACP and SHO shall ensure that no coercive action is taken, in terms of impugned order, for a period of 10 days from today. This is to enable the petitioner to file appropriate appeal before the learned Divisional



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Commissioner.

8. The petition stands disposed of in aforesaid terms.
9. Pending applications also stand disposed of in aforesaid terms.
10. It is, however, clarified that there is no observation by this Court *qua* the merits of the case.
11. A copy of this order be given *dasti* under the signatures of Court Master.

**(MANOJ JAIN)**  
**JUDGE**

**FEBRUARY 26, 2026/ss/sa**