

# Neeraj Gupta vs Senior Citizen Tribunal(Central ... on 10 April, 2023

**Author: Satish Chandra Sharma**

**Bench: Chief Justice, Subramonium Prasad**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

LPA 234/2023 and CM APPL. 16620/2023 & CM APPL. 16621/

NEERAJ GUPTA

Through: Ms. Suparna Srivastava  
Tushar Mathur, Advocate

versus

SENIOR CITIZEN TRIBUNAL(CENTRAL DISTRICT)

& ORS.

..... Respondent

Through: Mr. Shiven Varma, Advocate  
Respondent Nos. 1 & 2.  
Ms. Beenashaw Soni (learned  
counsel/DHLSA) and Ms.  
Advocates for Respondent

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 10.04.2023

1. The present LPA is arising out of an order dated 28.03.2023.

2. The following reliefs have been prayed in the present LPA.

"(a) allow the present Appeal and set aside the impugned Order dated 28.03.2023 passed by the Ld. Single Judge of this Hon'ble Court in Writ Petition (C) No.3735/2023: Pushp Lata Gupta Vs. Senior Citizen Tribunal (Central District) & Ors.; and

(b) pass such other order(s) as this Hon'ble Court may deem fit in the fact and circumstances of the present case."

3. The facts of the case reveal that a Writ Petition was preferred being W.P.(C) 3735/2023. It was brought to the notice of the Learned Single Judge in the Writ Petition that the Tribunal has finally heard the matter on 06.01.2022, and the Tribunal is not deciding the matter.

The following reliefs were prayed in the main Writ Petition.

"i) Issue a writ/order/direction in the nature of a writ of mandamus or any other appropriate writ thereby directing the respondent No. 1 i.e. Sr. Citizen Tribunal (Central District) for an expeditious hearing of case no. 439/Pushplata/central/2021 and disposal of the complaint filed by the Petitioner on the next date of hearing i.e. 17.04.2023;

ii) Provide immediate interim relief to the petitioner to provide her maintenance and right to enter her property.

iii) Any further appropriate writ/order/directions may also be passed in favour of the petitioner and against the respondents as this Hon'ble court deems fit and proper in the facts and circumstances of the case in the interest of justice."

4. In the Writ Petition, an Interim Application was preferred and an interim order has been passed.

5. Learned Counsel for the Appellant has argued before this Court that the Learned Single Judge by passing an interim order has virtually decided the rights of the parties, and in fact, the property has been partitioned by the impugned order.

6. In the considered opinion of this Court as the matter was pending before the Tribunal, the Tribunal should have been directed to decide the matter at an early date.

7. Resultantly, the operation of the Interim Order is stayed till the next date of hearing, and the Tribunal is requested to decide the matter positively within 1 Week.

8. The Parties will appear before the Tribunal tomorrow i.e. on 11.04.2023, and the Tribunal will decide the matter positively within 1 week as the matter has already been heard.

9. Learned Counsel for the Appellant has categorically stated before this Court that the rooms which have been locked by the Mother will remain intact and the Appellant will not break the locks placed on the rooms till the next date of hearing and the order passed by the Learned Single Judge stay shall remain stayed.

10. It is made clear the observations made by the Learned Single Judge will not come in the way of Tribunal in deciding the matter.

11. List the present LPA on 17.04.2023.

12. The Registrar General is directed to communicate this order to the Tribunal today itself, and a copy by served to Learned Counsel for the Parties by Hamdast Mode also.

SATISH CHANDRA SHARMA, CJ SUBRAMONIUM PRASAD, J APRIL 10, 2023 aks