

Suman Devi & Ors vs Mahabir Singh & Ors on 21 March, 2018

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ RFA 321/2016

SUMAN DEVI & ORS.

Through:

..... Appellants
Mr. Arun Kumar Panwar
(M:7827545811), Advocate with
Appellant Nos.1 & 3 in person.

versus

MAHABIR SINGH & ORS.

Through:

..... Respondents
Mr. Mayank Sharma and Mr.
Prashant Sharma, Advocates with R-1
in person. (M:9560531393)

CORAM:

JUSTICE PRATHIBA M. SINGH
ORDER

% 21.03.2018

1. Appellant Nos.1 & 3 have visited Mrs. Sona Devi, grand mother of Appellant Nos.2 & 3 on 19th March, 2018. Appellant No.2 could not go to meet grand-mother as she was suffering from typhoid fever. Appellant No.3 Digvijay Singh is present in Court. He has also brought his progress report which shows that he has completed 5th standard and currently studying in 6th standard in S.D.M.C. Primary School, D-Block, New Friends Colony, New Delhi, which is a government school. Details of the bank accounts of Appellant Nos.2 & 3 and academic record of Appellant No.3 are taken on record.

2. Respondent no.1 has submitted a list of tenants, the rent amount and the period since when they are occupying their respective properties. Appellants are permitted to file an affidavit in response to the statement containing the list of tenants within 2 two weeks. Copy of the said statement has been given to learned counsel for the Appellants.

3. It is submitted that Appellant Nos.2 & 3 are in dire need of money as they do not have any source of income. Vide order dated 27th February, 2018 the Respondent Nos.2 to 5 have been directed to deposit the rent with effect from 16th May, 2016 within eight weeks with the Registrar General of this Court. Similarly, the Respondent No.1, who is the brother and guardian of the property of the father of Appellant Nos.2 & 3, was also directed to deposit the rent being collected from Respondent Nos.6 & 7 within eight weeks. It is submitted on behalf of Respondent No.1 that Respondent No.7 has vacated the property in June, 2017 but Appellant No.1 submits that he has vacated the property in July, 2017.

3. In order to ensure that the livelihood and education of the two children namely Appellant Nos.2 & 3 is not adversely affected, it is directed that out of the rent collected from Respondent Nos.6 & 7, the Respondent No.1 shall pay a sum of Rs.25,000/- each into the bank account of the Appellant Nos.2 & 3 within two weeks. Details of the bank accounts have been submitted in Court today and copies have been given to learned counsel for Respondent No.1. The deposit as per order dated 27th February 2018 to be made by the Respondent No.1 would be made after deducting the said sum of Rs.50,000/-.

4. List on 4th May, 2018 for further directions.

PRATHIBA M. SINGH, J.

MARCH 21, 2018/dk