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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1310/2023, CM APPL. 4946/2023, 4947/2023, 34097/2023, 35405/2023, 35406/2023 & 42230/2023**

DR. VEENA GUPTA

..... Petitioner

Through: Mr. Neeraj Jain, Mr. Anukalp Jain, Mr. Abhijit Mittal, Mr. Anupam Mishra and Mr. Ajeet Singh, Advocates.

Mr. Rahul Sharma, Ms. Jyoti Dutt Sharma, Mr. Ayush Bhatt and Mr. Angad Gautam, Advs. (M. 8383027138).

Versus

DR. NEELU GANDHI & ORS.

..... Respondents

Through: Mr. A.S Chandioke, Sr. Advocate with Ms. Rakhi Ray and Mr. Vaibhav Gulia Advocates for R-1 to 4 (M: 9868123374).

Mr. Himanshu Satija, Mr. B.K. Satija, Mr. Harshit Khanduja and Mr. Harsh Saxena, Advocates for M/s. Bluestone Jewellers and Lifestyle Pvt. Ltd. (M: 9424682707).

Mr. Sandeep Sethi, Sr. Advocate with Ms. Shreya Sethi

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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31.10.2023

1. This hearing has been done through hybrid mode.
2. The dispute in the present case is between the Petitioner, and one of her daughters and her family. The other daughter and son-in-law are also



Respondents. After the filing of the Petition, the Petitioner has unfortunately deceased.

3. In the present petition, there is clearly an unfortunate turn of events. The petition has been filed challenging the order dated 17th January, 2023 passed by the Divisional Commissioner in ***PA/Appeal No.609/2022/766-771*** titled ***Dr. Neelu Gandhi & Ors. v. Smt. Veena Gupta***. The original eviction petition was filed by the Petitioner before the District Magistrate seeking eviction of the Respondent Nos. 1-4 from property bearing no. G-17, Preet Vihar, East Delhi (*hereinafter, 'subject property'*). In the said petition, the District Magistrate had directed eviction of the Respondents. However, the same was set aside by the impugned order by the Divisional Commissioner, which is under challenge.

4. Considering that the dispute was between family members, parties were directed to be present to explore amicable resolution. After hearing parties and their counsels, this Court had, on 23rd February, 2023, after hearing the parties passed the following order:

"2. The Court has, today, interacted physically and virtually with the ld. Counsels for the parties as also with the following persons:

- (i) Petitioner - Dr. Veena Gupta (virtually)*
- (ii) Dr. Sonal Amin, D/o Dr. Veena Gupta (virtually)*
- (iii) Respondent No.1 - Dr. Neelu Gandhi, d/o Dr. Veena Gupta (physically)*
- (iv) Respondent No.2 - Dr. Kumar Gandhi, h/o Dr. Neelu Gandhi (physically)*
- (v) Respondent No. 3 - Ms. Shubhaangi, d/o Dr. Neelu Gandhi (physically)*
- (vi) Respondent No. 4 – Mr. Shubham s/o Dr. Neelu Gandhi (physically)*



3. From the interaction as also the overall submissions made by the parties, the facts which have emerged are that the Petitioner was living on the third floor of the property bearing no. G-17, Preet Vihar, East Delhi (hereinafter 'subject property'). The second floor of the subject property was occupied by Respondent No.1 and her family. The ground and the first floor of the said property were rented out to one M/s Blue Stone Jewellery and Lifestyle Private Limited (hereinafter, "M/s Blue Stone Jewellery").

4. The Petitioner is currently living in Anand, Baroda along with her second daughter - Dr. Sonal Amin, son-in-law - Dr. Anuj Amin and granddaughter - Anvi Amin. It is submitted by the Petitioner that she left for Baroda due to alleged ill treatment by the family of the Respondent No.1

5. Both daughters of the Petitioner are the doctors. There are multiple properties and assets of the family including immovable properties left behind by the husband of the Petitioner i.e. Late Dr. S.K. Gupta. There is also a dispute as to which of the parties had rented out the ground and first floor of the said property to M/s Blue Stone Jewellery. It is the case of the Petitioner that it was rented out without her consent, however, Respondent No.1 states the opposite.

6. It appears to the Court that the dispute would have to be resolved, especially considering the age and medical condition of the Petitioner. Accordingly, an interim arrangement has currently been agreed, in order to explore the possibility of resolution of the disputes between the parties.

7. During the pendency of this petition, until the further orders, with the consent of the parties, the following interim arrangement is put in place:

(i) Family of Respondent No.1 including her husband and children shall move out of the second floor of the subject property with effect from 1st April, 2023 for a period of 3 months.

(ii) At the time of moving out, the family may take whatever belongings they need, with them,



however any wooden/ heavy furniture shall be left behind.

(iii) The Petitioner shall shift into the subject property and reside on a floor of her choosing. It shall be purely at the discretion of the Petitioner to allow any of her family members to reside with her.

8. *Since there is a dispute as to into whose bank account the rent being paid by M/s Blue Stone Jewellery is going, directions would have to be issued in respect of deposit of the said rent.*

9. *Accordingly, let notice be issued to M/s Blue Stone Jewellery, Ground and First Floor, G-17, Preet Vihar, East Delhi, who shall appear on the next date of hearing.*

10. *All the parties including the Petitioner, Respondents and their respective families, who wish to appear before the Court, may physically join on the next date of hearing.”*

5. As per the above order, the Respondent No.1, her husband and children i.e., Respondent Nos. 1-4 were directed to move out for a period of three months, i.e., till end of June 2023, in order to enable the Petitioner to shift into the subject property and reside on a floor of her choosing. The right of the Petitioner, in respect of the subject property, was given due consideration by this Court while passing the above order.

6. However, without seeking permission of this Court, the Petitioner, during her lifetime, sold the property vide sale deed dated 19th June, 2023 during the three months period. The said sale deed was executed on 19th June, 2023 with one M/s Manson Buildtech LLP and Mr. Bhaskar Gandhi. Thereafter, the Petitioner unfortunately passed away.

7. The sequence of events in this case shows that the Respondent No.1 with her family had moved out of the subject property under the protection



of the order dated 23rd February, 2023 passed by this Court. They were to come back into the property after 30th June, 2023, subject to orders by this Court. However, due to the sale of the subject property by the Petitioner, the said Respondents are unable to reside in the subject property.

8. Today, the parties who have now purchased are represented before the Court. Mr. Sandeep Sethi represents the new purchasers. The other daughter of the Petitioner and the son-in-law are represented by Mr. Rahul Sharma, Advocate.

9. Mr. A.S. Chandhiok Id. Sr. Counsel appears for the Respondent Nos. 1 to 4 and submits that his clients are willing to pay the entire sale consideration which has been paid by the purchasers of the subject property i.e. M/s Manson Buildtech LLP and Mr. Bhaskar Gandhi.

10. Mr. Sandeep Sethi, Id. Sr. Counsel for M/s Manson Buildtech LLP and Mr. Bhaskar Gandhi, however, submits that his client was not aware of the litigation which was ensuing in this Court and had purchased the property.

11. At this stage, Mr. Neeraj Jain, Id. Counsel for the Petitioner submits that a lift was to be installed/repared by the Respondent No.1 which the Respondent did not do and hence the Petitioner could not move into the subject property and was forced to sell the property.

12. The conclusion that can be arrived at from the submissions made over the last two hearings is that the Respondent Nos. 1-4, who had moved out of the second floor of the property for a period of three months have not been able to move back into the property, due to the sale which was made without permission of this Court, while the Court was seized with the matter. Since the vacation of the said property by the Respondent Nos. 1-4 was under the



orders passed by this Court, this Court is inclined to give effect to the order dated 23rd February, 2023 and restore possession in favour of the said Respondents.

13. However, at this stage, Mr. Sethi, Id. Sr. Counsel submits that the disputes between the family members and the new purchasers can be resolved amicably as there are three other properties which are in the possession of the Respondent Nos. 1-4.

14. Accordingly, the matter is referred to the Delhi High Court Mediation and Conciliation Centre. Mr. J.P. Sengh, Id. Sr. Advocate is appointed as the Id. Mediator in this matter in order to attempt amicable resolution of the disputes between the parties.

15. Mr. Neeraj Jain, Id. Counsel is discharged from appearing for the Petitioner. However, Mr. Neeraj Jain, Id. Counsel is free to assist the Court in his personal capacity. He is also free to participate in the mediation proceedings.

16. Mr. Rahul Sharma, Id. Counsel for Dr. Sonal Amin & Dr. Anuj Amin who are the second daughter of the Petitioner and her husband may now appear from the Petitioner's side.

17. List before the Delhi High Court Mediation and Conciliation Centre on 22nd November, 2023 at 3.00pm.

18. This matter shall be treated as part heard matter

19. List before the Court on 25th January, 2024.

PRAITHIBA M. SINGH, J.

OCTOBER 31, 2023

mr/kt