

OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE (SOUTH-EAST)
TRIBUNAL OF MAINTENANCE OF PARENTS & SENIOR CITIZEN,
GOVT OF NCT OF DELHI, OLD GARGI COLLEGE BUILDING LAJPAT NAGAR IV NEW
DELHI -110024

No.62./ADM (SE)/Sr.Citizen/2015/ 154-162

Date: 03/03/15

In the matter of:

Sh.Hashmat Ali R/o 174, Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi-110025.

.....Petitioner

Versus

Sh. Liyaqat Ali and Roshan Ali R/o174, Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi-110025.

.....Respondents

ORDER

Sh. Hashmat Ali, 82 years complainant has applied this Tribunal under maintenance and Welfare of Sr. Citizen Act, 2007 to seek relief vide his application dated 30.9.2014.

Hashmat Ali

Taking into cognizance show cause notices were issued to respondents as well as to the petitioner to appear before the Tribunal on 18/11/2014,09/12/2014,29/1/2015,24/2/2015.

The complainant submitted vide application received in the office of SDM (Defence colony) on 26/8/2014 which was sent by SDM (Defence Colony) to this Tribunal that he is 82 years old heart patient and its continuously harassed by his sons and grandsons. He needs protection of his life and stay in his own house and also claims maintenance from his sons and wants the key of the main door which is a big hindrance. He further submitted that he has no source of income & livelihood

Aj Kumar

except rental income of his another property i.e shop from where the petitioner gets only rent, which are being taken by his daughters as the petitioner has borrowed Rs. 2,00,000/- from his daughters for his medical treatment and therefore, returning the borrowed money in the shape of said rent. The respondents no. 1 and 7 have not made any provision for the maintenance of the petitioner and he is hand to mouth and his survival is in grave danger. He has no money to even get his medical treatment and requested to direct the respondent no. 1 to 7 to pay Rs. 5,000/- per month each i.e total Rs. 10,000 per month to him towards maintenance for meeting his day to day expenditure and also meet the expenditure for his medical treatment. It is further prayed that the necessary directions be given to the police concerned to stop the accused persons from locking the main gate on in any manner causing any disturbance, interference to the petitioner in using, occupying and enjoying his property no. 174, Abul Fazal Enclave Part-1, Jamia Nagar, Okhla, New Delhi and they be further restrained from dispossessing the petitioner from his said house.

The respondents, Sh. Liyaqat Ali and Sh. Roshan Ali submitted that Hashmat Ali hold the ancestral property and did not give single rupee to the legal heirs. He also grab the money of his sons by unlawful means. He is self sufficient to maintain himself by having more than enough money in bank. They gave the following details of the property and resources of Hashmat Ali:-

1. Received Rs. 4 Lac as pagri when handover possession of house 1660 Gali Imli Wali Rodh Gran Delhi 6. He did not give share to anyone.
2. Received Rs. 15 Lac cash by Sale of plot at Char Minar Masjid E Block Abul Fazal Enclave Jamia Nagar Okhla New Delhi.
3. Received Rs. about 10 lac by Hashmat Ali against plot D-175 Abul Fazal Enclave Jamia Nagar Okhla New Delhi-25, the money was paid by Liyaqat Ali.
4. Received Rs. 6.5 lac against one shop near Bilal Masjid Abul Fazal Enclave Jamia Nagar Okhla New Delhi-25.
5. Rs. 5000 /- p.m getting rent for another shop rent out to Dr. Wasim Clinic near Char Minar Masjid Abul Fazal Enclave, Jamia Nagar New Delhi-25.
6. Rs. 3000 P.m receiving pension as senior citizen /old age.



7. Income from saving account in post office at Bara Khamba Road Connaught Place New Delhi.
8. Interest on fixed deposit in Union Bank of India at Jamia Okhla New Delhi.
9. Account in Jamia Cooperative Bank at Jamia Okhla New Delhi.
10. Account in Bank of India at E Block Connaught Place New Delhi.

The Tribunal heard all the concerned parties in length. Despite the efforts of the Tribunal, the concerned parties could not arrive at any amicable solution. The applicant has no good faith for the respondents and similarly respondents have not good feeling for the applicant. No evidence could be given by the respondents in support of the submission of the income of the applicant. Similarly, the applicant admitted that he has certain income, but he could not convince the Tribunal regarding his load from his daughter, rather he submitted that he is repaying his loan to his daughter out of his income. In the absence of any evidence from applicant and respondents on the matter of income, this Tribunal finds difficult to arrive at any conclusion. The applicant has not denied of the rental income and the applicant has also not denied the fact of Old age pension. The applicant could not submit any detail of the income of the respondents. The applicant has requested for the payment of monthly amount from his sons only, while the maintenance of parents is also responsibility of the daughters. The fact of loan from his daughter to the applicant and the payment of loan by the applicant to his daughter could not be verified by the applicant before this Tribunal. The applicant has not denied of the rental income and the applicant has also not denied the fact of Old age pension. Hence, this tribunal decided not to order anything on the matter of payment of any amount by the respondents to the Applicant. However, the right of residence of the Senior Citizen has to be guaranteed which is being denied in this present case. Applicant is not living in his house. In view of the above facts and circumstances tribunal feels and order :-

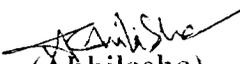
1. Sh. Hashmat Ali will stay in his own house in one room of ground floor of the house no.174, Abul Fazal Enclave Part-1, Jamia Nagar with all due regards. Being old one, he should be given preference and provided accommodation on ground floor.
2. One key of the main gate will be given to him for his convenience to come and go.

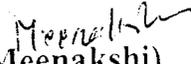
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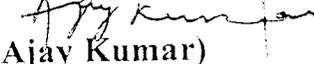
3. It is obligatory on the part of children to maintain and fulfill the needs of the complainant to lead a normal life.
4. S.H.O of the Jamia Nagar Police Station is directed to ensure safety and protection of life of Sh. Hashmat Ali, so as to enable him to live peaceful life. SHO, Jamia Nagar is also directed to ensure the peaceful possession of one room of ground floor of the said house and handover of one key to the applicant.

Copy of the order be sent to both the parties as well to the

S.H.O.


(Abhilasha)
Member


(Meenakshi)
Member


(Ajay Kumar)
Presiding Officer/
ADM(South-East)

26/2/15

To.

1. Sh. Hashmat Ali S/o Late Sh. Barkat Ali R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi-110025.
2. Sh. Liyaqat Ali R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi-110025.
3. Sh. Roshan Ali R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi-110025.
4. Smt. Shamma, W/o Sh. Roshan Ali, R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi-110025.
5. Smt. Kusum, W/o Liyaqat Ali R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi.
6. Sh. Sher Ali, S/o Liyaqat Ali R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi.
7. Sh. Haider Ali, S/o Liyaqat Ali R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi.
8. Sh. Faisal @ Billu, S/o Liyaqat Ali R/o 174 Abul Fazal Enclave-1, Jamia Nagar, Okhla, New Delhi.
9. SHO, Jamia Nagar.