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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 612/2017 & C.M.Nos.24054/2017 (for stay) & 24055/2017 (for delay)

SHASHI BALA Appellant
Through: Mr.B.S.Randhawa and Ms.Varsha
Baxi, Advocates
versus

SUSHIL VASHISHT & ORS. Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **24.07.2017**

1. This first appeal is filed against the impugned order of the trial court dated 24.10.2016 by which the trial court has allowed the petition filed by the respondent herein under the provisions of Sections 52 to 54 of the Mental Health Act, 1987 appointing the respondent herein (petition in the trial court) as the guardian of Uma Nandan Vashisht. The respondent has been appointed as guardian of the person and the properties of Uma Nandan Vashisht.

2. As per the Proviso to Section 59 of the Mental Health Act, 1987, and which statute was applicable with respect to the disposal of the case which was filed on 20.02.2014 and disposed of on 24.10.2016, if any immovable property of the mentally infirm person has to be transferred by sale, gift, exchange or otherwise then permission of the District Court has to be taken. Also, in terms of

Section 56 of the Act, the person appointed as a manager has to execute a bond in such form with such sureties by the manager as the court deems fit.

3. (i) Learned counsel for the appellant, in view of the provision of the Proviso to Section 59 of the Act, does not press the appeal, but states that it should be reiterated that the respondent will not dispose of any immoveable property of the mentally sick brother Uma Nandan Vashisht except without permission of the district court as provided in the Proviso to Section 59 of the Act.

(ii) Since this is a legal position that there cannot be any dispute to this aspect, hence it is directed that the appointment of the respondent herein as a manager of Uma Nandan Vashisht to manage the properties of the Uma Nandan Vashisht will be subject to the Proviso to Section 59 of the Mental Health Act.

4. Also, the District Court by the impugned judgment has not given any direction for the manager to execute a bond in terms of Section 56 of the Act. Therefore, the court below on an application being filed by the present appellant will pass appropriate direction under Section 56 of the Act.

5. Subject to the aforesaid observations and liberty given to the appellant, this appeal along with the pending applications is disposed of as not pressed.

VALMIKI J. MEHTA, J

JULY 24, 2017

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