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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 634/2017**

MANISH ARYA

..... Petitioner

Through : Mr. Anand Sanjay Nuli and Mr.
Anubhav Dubey, Advs. with petitioner
in person.

versus

THE STATE (NCT OF DELHI) & ORS.

..... Respondents

Through : Mr. Rahul Mehra, Standing Counsel
and Mr. Jamal Akhtar, Adv. with
Inspector Pramod Joshi and SI Nitesh
Mehra PS Patel Nagar.
Mr. D. Hasija, Adv. for Mr. Yoginder
Dawar and Mr. Ram Pratap Taneja,
relatives of deceased.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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03.03.2017

Petitioner has prayed for handing over the dead body of Late Ms. Manorama Kumari to him. It is contended that Ms. Manorama Kumari met the petitioner in Arya Samaj Mandir, Patel Nagar, Delhi in the year 2008. She was not having any family. In the year 2013, Ms. Manorama Kumari requested the petitioner to arrange an accommodation for her near his house so that petitioner could take care of her. Accordingly, petitioner arranged a rented accommodation bearing property No.L-54, West Patel Nagar, New Delhi in the year 2014. After some time, Ms. Manorama Kumari insisted upon the petitioner that she may be allowed to live with him and his family. Ms.

Manorama Kumari was about 60 years of age. Ms. Manorama Kumari gave a letter dated 12th October, 2016 to the SHO PS Patel Nagar vide DD No.37B stating therein that she has donated all her valuables and she was living happily with the petitioner, who used to take care of her. On 13th February, 2017, Ms. Manorama Kumari sustained burn injuries due to which she succumbed to her death in the hospital. Relatives of Late Ms. Manorama Kumari were informed but they did not come to the hospital. Ms. Manorama Kumari died on 19th February, 2017. Dead body is lying in the mortuary and custody of the same be handed over to him.

Status reports have been filed by the learned Standing Counsel. It is submitted that death of Late Ms. Manorama Kumari is shrouded with suspicion. Petitioner was the lawyer of Late Ms. Manorama Kumari. He was representing Late Ms. Manorama Kumari in CS(OS) No.640/2014. The dispute was with regard to property bearing no.8/2, South Patel Nagar, New Delhi owned by Late Ms. Manorama Kumari. Late Ms. Manorama Kumari received ₹1.5 Crores in the said suit after a settlement was arrived at between her and the defendants. From 15th April, 2015 to 27th January, 2017, amount of ₹60 Lacs has been transferred from the account of Late Ms. Manorama Kumari to the accounts of various firms of the petitioner and his relatives. Petitioner is not related to Late Ms. Manorama Kumari. A telephone call was received by

the police that Late Ms. Manorama Kumari did not die on account of receiving accidental burn injuries; she died due to property disputes. It is further submitted that property no.20/5, West Patel Nagar, New Delhi, where deceased was living and where the petitioner is residing now, is registered in the name of Ms. Komal Kumari W/o Tarun Arya, who is the niece of petitioner. Late Ms. Manorama Kumari was also the owner of the property bearing no.T-171/B, Khasra No.754/21, Baljeet Nagar, Delhi. It is submitted that role of petitioner is suspicious. Inquest proceedings are going on. Petitioner is not related to Late Ms. Manorama Kumari, therefore, her dead body cannot be handed over to him.

Mr. Ram Pratap Taneja S/o Late Mr. Dutta Ram Taneja and Mr. Yoginder Dawar S/o Late Mr. Jagdish Chandra Dawar are present in Court and it is submitted that they are the cousins of Late Ms. Manorama Kumari. Father of Late Ms. Manorama Kumari and father of Mr. Yoginder Dawar were real brothers. Mother of Ram Pratap Taneja and mother of Late Ms. Manorama Kumari were real sisters. Mr. Ram Pratap Taneja and Mr. Yoginder Dawar are represented through their counsel, inasmuch as, have been identified by Inspector Pramod Joshi, SHO PS Patel Nagar.

In the above facts, I do not find any justification to order for handing over the dead body to petitioner. Dead body be handed over either to Mr. Ram

Pratap Taneja or Mr. Yoginder Dawar jointly or individually, who submit that they would cremate the dead body of Late Ms. Manorama Kumari. Learned Standing Counsel submits that dead body would be handed over after conducting post-mortem. Let post-mortem be conducted by the Medical Board of Safdarjung Hospital immediately and thereafter, the dead body be handed over.

Petition is disposed of in the above terms.

Copy of the order be given Dasti under the signatures of Court Master.

A.K. PATHAK, J.

MARCH 03, 2017/dk