

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.380 of 2017

In

MA 365 of 2017

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M/s Reel Life Entertainment (I) Pvt. Ltd., through its authorized signatory and having its office at Aster, Building No.5, Flat No. 101, New MHADA complex, Oshiwara, Mumbai-400053.

.... Respondent no.4/Petitioner

Versus

1. Harishchandra Narayan, Son of Late Lal Bahadur Singh, resident of Flat No. 303, Manakan Kulharia House, above Bazar India Mall, adjacent to B.N. College, P.S.-Pirbahore, District-Patna.

Appellant/Opposite party

2. Ayodhya Prasad Singh, Son of Late Lal Bahadur Singh, resident of village - + P.O.-Vasantpur, P.S.-Muffasil (Ara), District-Bhojpur.
3. Seeta Devi, wife of Shio Mangal Singh aged about 60 years, permanent resident of village + P.O.-Chota Sasaram, P.S.-Udwantnagar, District-Bhojpur (Ara), presently residing at House of Vinod Kumar, R/o Nalanda Colony, Behind Suman Kashyap Apartment, P.S.-Kankarbagh, District-Patna.
4. Meera Devi, Wife of Late Harendra Singh, resident of Village – Dhruptola, P.S.-Krishna Garh, District-Bhojpur at Ara.

.... Respondents/Opposite party

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Appearance:

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Advocate. Mr. Anshuman Singh, Advocate. Mr. Akash Ansh, Advocate.
For O.P. No.1	:	Mr. Siddhartha Prasad, Advocate. Mr. Sanchay Srivastava, Advocate. Mr. Niraj Kumar, Advocate.
For O.P. No. 2 to 4	:	Mr. Chitranjan Sinha, Sr. Advocate. Mr. Ravi Prakash, Advocate. Mr. Sourav Suman, Advocate. Mr. Binod Kr. Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

8 28-03-2018

Heard learned counsel for the petitioner and learned

counsel for the opposite parties.

This review petition has been filed seeking review
of the order dated 24.08.2017 passed by this court in



Miscellaneous Appeal No. 356 of 2017 whereby this Court has allowed the aforesaid miscellaneous appeal filed by the appellant setting aside the order dated 24.03.2017 passed by the First Additional District Judge, Patna in Guardianship Case No. 16 of 2016 allowing the intervention petition of respondent no.4-M/s Reel Life Entertainment (I) Private Limited.

It is submitted by learned counsel for the petitioner that in a petition for appointment of guardian filed under Sections 53 and 54 of the Mental Health Act, 1987, as per provision of Section 50 of the Act *ibid*, judicial inquisition about the mental condition of the person of whom guardian is to be appointed is a condition precedent for proceeding further under Sections 53 and 54 of the Act *ibid*, but there is no such inquisition made by the learned lower court and without making any such inquisition, this court by the impugned order has, *inter alia*, directed the learned lower court to dispose of the guardianship petition as per the provisions of Sections 53 and 54 of the Mental Health Act, 1987 which is an apparent error on the face of the record, hence the impugned order is liable to be reviewed.

On the other hand, learned counsel for the opposite parties has made no objection in passing the order by learned lower court in guardianship petition in accordance with law.



As per the submissions of the parties, no judicial inquisition has been made by the learned court below regarding mental condition of the person of whom guardian is to be appointed under the Act, which is a condition precedent for proceeding further for appointment of guardian under Sections 53 and 54 of the Act *ibid*, but in the order dated 24.08.2017 of this Court, *inter alia*, learned lower court has been directed to dispose of the guardianship petition as per the provisions of Sections 53 and 54 of the Mental health Act, 1987 without any such inquisition by the learned lower court which, in my considered opinion, appears to be error apparent on the face of record and is liable to be rectified.

Accordingly Order dated 24.08.2017 passed by this Court is reviewed and learned lower court is directed to dispose of the aforesaid guardianship petition in accordance with law. Rest portion of the order will remain intact. Accordingly, this review petition stands disposed of.

(Prakash Chandra Jaiswal, J)

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