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

+ W.P.(C) 13311/2018 & CM No. 51766/2018

MRS. POOJA

..... Petitioner

Through: Ms Smita Maan, Mr Vishal Madan
and Mr Aakash Sehrawat,
Advocates.

versus

STATE

..... Respondent

Through: Mr Anupam Srivastava, ASC,
GNCTD with Ms Divya Joshi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.02.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that the petitioner be appointed as a guardian and manager in respect of the person and property of Mr Ajay Yadav, who is the husband of the petitioner.
2. The learned counsel appearing for the petitioner has also referred to Sub-section (4) of Section 14 of the Mental Healthcare Act, 2017, which provides for certain individuals to be deemed as nominated representatives of persons with mental illness. She submitted that although the petitioner's husband may be stated to be mentally ill, however, the petitioner does fall under criteria as specified under Sub-section (4) of Section 14 of the Mental Healthcare Act, 2017.

3. Without going into the question whether the petitioner's husband can be classified as mentally ill, this Court had, by an order dated 10.12.2018, directed respondent no.1 to conduct an enquiry so as to ascertain the veracity of the averments made in the present petition. A report has since been filed, which indicates that Mr Ajay Yadav is under treatment of Dr Karanjit Singh Narang at Medanta Hospital, and is not in a condition to either speak or put his signatures on any record, he is unresponsive. Thus, the averments made by the petitioner that her husband is in a comatose state and is unable to take care of himself or his affairs, have to be accepted.
4. In view of the above, the petitioner is appointed as a guardian to manage the affairs of her husband (Mr Ajay Yadav), however, she is not entitled to sell any immovable property without the permission of the Court.
5. The petitioner shall also keep full accounts of the assets of Shri Ajay Yadav.
6. The petition is allowed in the aforesaid terms. The pending application is disposed of.

VIBHU BAKHRU, J

FEBRUARY 20, 2019
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