

(Through Video Conferencing)

FAO No.2736 of 2020 (O&M)

Date of Decision: 28.07.2020

Dr. Ranbir Singh

.....Appellant

Versus

Capt. Ajit Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Dr. Ranbir Singh, appellant in person.

NIRMALJIT KAUR, J.

An application was filed by the appellant under Section 14 of the Mental Health Care Act, 2017 seeking to be declared as nominated representative of his parents i.e. respondent Nos.2 and 3 on the ground that his parents were not of sound mental health.

The said application was dismissed, vide order dated 10.06.2020, which has been challenged in the present appeal.

In order to consider the said application, a Board was duly constituted to consider the mental health of parents of the appellant i.e. his father namely Capt. Ajit Singh and mother Amrik Kaur in order to ascertain the truth of the allegations that they were suffering from mental illness and had been influenced by one Subhash Sharma in connivance of his real brother Amanbir Singh and his real sister Rajdeep Kaur, who were residing in USA to sell the property.

The opinion of the members of the Board, which includes (a) District & Sessions Judge, Jalandhar as Chairman, (b) Civil Surgeon, Jalandhar as Member Secretary, (c) Assistant Commissioner (General) as

Member Ex-officio, (d) District Social Security Officer, Jalandhar as

Member Ex-officio and (e) Psychiatrist Incharge, Civil Hospital, Jalandhar, as Member Ex-officio, is reproduced as under:-

“All the members of this board are of the unanimous opinion that upon interaction with the aged parents, they were found to be perfectly normal and they talk most intelligibly, rather smartly, in a manner becoming of a retired officer of high rank and his wife. The aged parents mince no words in expressing their anguish as regards the stated ill treatment meted out to them by the applicant son. The aged parents are completely aware of the facts concerning their life and are completely oriented as regards the person, place and time etc. and there is no reason to doubt the soundness of their mental health.”

Besides the above, the Board also noticed that earlier also an application was filed by the appellant under Indian Lunacy and Mental Health Act, 1987 with similar allegations that the parents were suffering from mental illness. However, the said application was withdrawn, vide order dated 22.05.2018. The said application was produced by the parents during the board meeting. The board also found that there was not even a slight doubt or apprehension that parents were suffering from any mental illness. In fact, the parents submitted before the Board that they were being harassed and tormented by the present appellant for property.

The only argument raised by the appellant is that another Medical Board should be constituted comprising of Clinical Psychiatric from the Military Hospital. The said argument has no merit as there is no reason to doubt in the report of the District Mental Health Review Board.

The argument that the appellant was not heard is incorrect as it is evident from the proceeding of meeting dated 10.06.2020 that the appellant was duly given notice and the oral submissions made by the appellant as well as of the old parents were duly heard by the board and were given opportunity to address. All the parties addressed in person and did not seek any professional assistance of any counsel. The parents were separately examined and interacted with Dr. Aman Sood, Psychiatric Incharge.

It is apparent that the appellant is unhappy as his parents seem to have sold some property and now he is hell bent and leaving no stone unturned to declare his parents of unsound mental health only to create a ground to set aside the said sale by hook or crook.

This Court may note that some of the comments in the grounds of appeal against his own real sister speak a volume about the level, the appellant can go to declare his own parents as suffering from mental health. This Court finds that such comments against his sister were totally unnecessary while making out the grounds of appeal.

No ground for interference is called for.

Dismissed accordingly.

28.07.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No