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

+ W.P.(CRL) 1284/2020

S. AVTAR SINGH Petitioner

Through: Mr. Rajat Wadhwa and Mr. Kuljeet
Singh Sachdeva, Advocates.

versus

STATE AND ORS.Respondents

Through: Mr. Chaitanya Gosain, Advocate
on behalf of Mr. Rahul Mehra,
Senior Standing Counsel (Crl.) for
the State with SI Deepak Chillar,
P.S. Mukherjee Nagar.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **21.08.2020**

1. The hearing has been conducted through video conference.

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2. The petitioner is seeking production of his sister, Amarjeet Kaur, aged about 70 years who is in the custody of respondents No.4 to 7 (son, daughter-in-law and grand children of Amarjeet Kaur).

3. Amarjeet Kaur suffered a brain stroke on 10th October, 2019 due to which right side of her body got paralysed and she is presently bedridden. Amarjeet Kaur has four married daughters who have filed suit for her custody bearing Case No. CS/475/2020 titled ***Amarjeet Kaur v. Taranjeet Singh*** pending before Ms. Aanchal, JSCC-cum-Addl. Senior Civil Judge-cum- RC, Rohini Courts, Delhi.

4. This Court is of the *prima facie* view that the petitioner should file an application for impleadment before the learned Civil Judge and pursue her claim of custody before the said Court to avoid the multiplicity of action and conflict of judgments.

5. Learned counsel for the petitioner accepts the suggestion and submits that he shall approach the learned Civil Judge in this regard.

6. Learned counsel for the petitioner submits that respondents No.4 to 7 are not providing appropriate medical treatment to Amarjeet Kaur and are also not permitting the petitioner as well as daughters of Amarjeet Kaur to meet her. Learned counsel for the petitioner makes oral prayer for providing appropriate medical treatment to Amarjeet Kaur and to meet Amarjeet Kaur. Issue limited notice of this oral prayer. Learned Standing Counsel accepts notice on behalf of respondents No.1 to 3. Respondents No.4, 5 and 6 are present through video conference and they accept notice on their behalf as well as on behalf of respondent No.7. All the four daughters of Amarjeet Kaur are present through video conference and they also accept notice.

7. Respondent No.4 submits that he stays in the village and respondents No.5, 6 and 7 are taking care of Amarjeet Kaur. He further submits that the doctor treating Amarjeet Kaur is not attending her due to COVID Pandemic and they are looking for a new doctor.

8. The petitioner submits that Amarjeet Kaur be provided the medical treatment from Sant Pramanand Hospital which is in the near to the residence of Amarjeet Kaur to which respondent No.4 has no objection. The petitioner further suggests that a full time nurse be kept for taking care of Amarjeet Kaur and he is willing bear the entire expenses of the

medical treatment as well as that of full time nurse. Respondent No.4 has no objection to this.

9. The daughters of Amarjeet Kaur submit that respondent No.5 misbehaves with them whenever they visit to meet their mother, Amarjeet Kaur which is disputed by respondent No.5.

10. After careful consideration of submissions made by learned counsels for the parties, the following directions are passed with the consent of all the parties present before this Court today:-

(i) The Investigating Officer shall approach the Medical Superintendent of Sant Pramanand Hospital for providing medical treatment as well as for conducting complete medical tests of Amarjeet Kaur and also for providing full time nurse for taking care of Amarjeet Kaur.

(ii) Considering the COVID Pandemic, the Medical Superintendent of Sant Pramanand Hospital is requested to provide the medical examination as well as the tests at her residence. The expenses for the medical treatment as well as the full time nurse shall be initially borne by the petitioner. Respondent no.4 and four daughters of Amarjeet Kaur are expected to share the expenses with the Petitioner.

(iii) The Medical Superintendent of Sant Pramanand Hospital is requested to ensure that the medical examination and the complete medical tests are completed within one week from today.

(iv) The complete original medical record of Amarjeet Kaur including the test reports etc. shall be retained by the Investigating Officer who shall provide photocopy of the complete set to all the concerned parties, at their respective cost.

(v) In view of the allegations made by the parties against each other and also to ensure that the medical condition of Amarjeet Kaur is monitored, the Investigating Officer shall have a camera installed inside the room of Amarjeet Kaur and the cost of the same to be borne by the petitioner. The Investigating Officer shall ensure that the camera be installed within one week from today. The camera shall be monitored by the full time nurse to be kept for the Amarjeet Kaur who shall cover/switch-off the camera whenever the privacy of Amarjeet Kaur is considered necessary. None of the parties shall not disturb the operation of the camera. The Investigating Officer shall save the recording of the camera if any incident is reported/recorded in the camera.

(vi) The petitioner as well as daughters of Amarjeet Kaur are permitted to meet Amarjeet Kaur after the complete medical examination is done and the camera is installed in the room of Amarjeet Kaur. Initially, the visit will be restricted to one hour each day. The Investigating Officer shall thereafter assess the situation and fix the visit times in consultation with all the parties.

(vii) The petitioner shall provide a mobile phone to the nurse to inquire about the medical condition of Amarjeet Kaur from her time to time. The parties can also communicate with mother through the said mobile phone.

(viii) All the parties, present through video conference, agree to make an endeavour to resolve their differences through mediation.

(ix) If any party has any compliant/grievance against each other, they will give the same in writing to the Investigating Officer, who shall make endeavour to resolve the same as per law.

11. List before Delhi High Court Mediation and Conciliation Centre on 01st September, 2020.

12. The report of the mediation be filed before the Ms. Aanchal, JSCC-cum-Addl. Senior Civil Judge-cum- RC, Rohini Court. If any further directions are warranted, the parties shall approach the Ld. Civil Judge who shall pass appropriate order after hearing the parties.

13. This petition is disposed of in the above terms with liberty to the parties to approach this Court in the event of any modification is warranted in the directions given above.

14. List for reporting compliance on 07th October, 2020.

15. It is clarified that nothing recorded herein shall be construed as an expression of this Court on the merits of this case.

16. Copy of this order be sent to Delhi High Court Mediation and Conciliation Centre through e-mail.

17. The order be uploaded on the website of this Court forthwith.

J.R. MIDHA, J.

BRIJESH SETHI, J.

AUGUST 21, 2020
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