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

+ W.P.(C) 12392/2019

MRS. POOJA Petitioner

Through: Mr.Vishal Maan, Adv.

versus

STATE & ORS. Respondent

Through: Mr.Shadan Farasat, ASC/GNCTD
with Ms.Hafsa Khan & Mr.Bharat
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **14.02.2020**

1. This petition has been filed by the petitioner, who was appointed as a guardian of the person and property of Mr.Ajay Kumar Yadav, who is the husband of the petitioner, by an order dated 20.02.2019 passed by this Court in W.P.(C) 13311/2018 titled, ***Mrs. Pooja vs. State***. The petitioner prays for permission to sell/transfer the immovable/movable property of Mr.Ajay Kumar Yadav, being Khasra No. 41/6 (4-16), 41/7 (4-6), 13 (2-1), 14/1 (3-4), 15/1 (3-12), 191/8/1 (9-19) admeasuring 27 bigha 18 biswa, situated in the revenue estate of village Paprawat (Sourth-West), New Delhi, as also to manage the bank accounts of her husband.

2. As noted hereinabove, this Court by order dated 20.02.2019 passed in W.P.(C) 13311/2018, had appointed the petitioner as a guardian to manage the affairs of her husband, Mr.Ajay Kumar Yadav. It was further recorded that she would not be entitled to sell the property without the permission of the court. The petitioner has filed the present petition contending that the overall monthly expenses for the care of Mr.Ajay Kumar Yadav come around 1.25 to 1.50 lacs. She also has a minor daughter and spends around

Rs. 40,000/- towards household expenses and school expenses of the minor daughter. She is a housewife and is not in a position to work or earn for her family. The petitioner asserts that it is therefore necessary for her to sell the abovementioned property in order to sustain her family as also to take care of her husband.

3. On 06.01.2020, the respondent nos. 2 and 3, who are the mother and brother of Mr.Ajay Kumar Yadav ,were present in person in this Court and gave their No Objection to the prayer made in the petition being granted.

4. Two Status Reports have also been filed by the respondent nos. 1 and 2 certifying that the 1/4th share in the abovementioned land belongs to Mr.Ajay Kumar Yadav as also about his medical condition. The Status Report further certifies that the petitioner is taking care of the medical needs of her husband.

5. In view of the above, I see no reason for not granting the prayer made in the petition. Accordingly, the petitioner shall be entitled to sell the share of Mr.Ajay Kumar Yadav in the abovementioned land, as also operate the bank accounts of Mr.Ajay Kumar Yadav, however, subject to the condition that the petitioner shall maintain complete accounts of the amount received and spent by the petitioner. The petitioner shall keep 50% of the amount received on sale of the land in form of a Fixed Deposit, which shall not be encashed without seeking permission of the Court. The compliance report shall be filed by the petitioner with the Registrar General of this Court immediately on sale of the said land alongwith documentary proof thereof.

6. The petition is allowed in the above terms.

NAVIN CHAWLA, J

FEBRUARY 14, 2020/rv