

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**FAO-755-2017 (O&M)**

**Date of decision : 09.12.2022**

**Satnam Kaur**

**...Appellant**

**Vs.**

**General Public and others**

**...Respondents**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sherry K.Singla, Advocate for the appellant.

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**MANOJ BAJAJ, J.**

Appellant has filed this appeal against the judgment dated 18.07.2016 passed in MHA case bearing No.6000072/2013 dated 05.11.2012 by Additional District Judge Patiala, whereby her petition under Section 50 read with Sections 51, 52, 53 and 54 Mental Health Act, 1987 for appointing her as guardian of the person and property of Gurmukh Singh (brother of appellant), was dismissed.

Learned counsel has argued that the appellant is sister of Gurmukh Singh, who had moved an application under Section 50 Mental Health Act, 1987 for declaring Gurmukh Singh as mentally ill and for appointing her as guardian of the person and further for delivering the custody of her brother, which has been dismissed by Additional District Judge, Patiala through the impugned order dated 18.07.2016. He submits that though an application was moved by the appellant for interim relief, but the Court has erroneously dismissed the main case. He prays that the impugned order is not sustainable, therefore, warrants interference.

After hearing learned counsel and considering the submissions, this Court does not find any merit in the appeal as admittedly a similar

application was filed by the appellant under Section 50 Mental Health Act, 1987, which was dismissed vide order dated 28.09.2013 and after sometime, this application was moved by appellant again on 23.07.2015. The argument that the Court has erroneously dismissed the main case while dismissing the application is without any merit as concededly no evidence was adduced by the appellant to support the ground that her brother, namely, Gurmukh Singh is mentally retarded. Mr. Singla, learned counsel for the appellant fairly states that the Gurmukh Singh is residing with the other sister of the appellant.

Apart from it, a perusal of the impugned order shows that Additional District Judge, Patiala has carefully considered the entire material on record while dismissing the claim of the appellant.

Consequently, this Court does not find any merit in this appeal and the same is dismissed.

Dismissed.

(MANOJ BAJAJ)  
JUDGE

09.12.2022

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| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |