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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-1391-2024 (O&M).
Date of Decision: 10.05.2024.

MANJIT SINGH

... Petitioner

Versus

UNION OF INDIA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioner.

Mr. Dheeraj Jain, Senior Counsel, with
Mr. Sahil Garg, Advocate,
for the respondent No.1/Union of India.

Ms. Niharika Sharma, AAG, Punjab,
for respondents No.2 and 3.

Mr. Gurmandeep Brar, Advocate,
for respondent No.4.

VINOD S. BHARDWAJ, J. (ORAL)

CM-6748-CWP-2024

Present application has been filed under Section 151 of the
Code of Civil Procedure, 1908, for seeking early hearing of the main
petition which is stated to be listed for hearing on 08.07.2024.

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Notice in the application had been issued on 24.04.2024, however, no reply to the same has been filed.

Learned counsel appearing for the respondents submit that they have no objection in case the present application is allowed and the main case which is fixed for 08.07.2024 is preponed and taken up for hearing today itself.

Accordingly, for the reasons mentioned in the application and with the consent of the parties, the present application is allowed.

The main case is preponed from 08.07.2024 and is taken on board today itself for hearing.

Main case

Prayer in the present writ petition is for appointing the petitioner as guardian of his son namely Sukhvir Singh, who is stated to be in vegetative state since 21.04.2014 and further to allow the petitioner to act as a guardian till the time victim/son of the petitioner gains senses and comes out of the vegetative state.

Learned counsel for the petitioner submits that the son of the petitioner namely Sukhbir Singh was admitted in New Ruby Hospital, Jalandhar, on 20.04.2014 for De-addiction of multiple drugs and for the treatment of Hepatitis B and during the treatment he suffered from paralysis of all four limbs and went into a vegetative state. On 23.04.2014, the petitioner got his son admitted at NASA hospital, Jalandhar for further treatment, however, there is no improvement in the health of the son of the petitioner and he is stated to be still in vegetative state. Learned counsel

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submits that the petitioner who is the father of Sukhvir Singh be appointed as his legal guardian, who though major, but on account of his vegetative State is not in a situation to take decisions for himself.

Vide order dated 22.01.2024 while issuing notice of motion, the Chief Medical Officer, Jalandhar was directed to constitute a Medical Board to examine patient Sukhbir Singh son of Manjit Singh and to submit report regarding his physical and mental health condition.

In pursuance of the notice of motion, a report has been submitted by the Civil Surgeon, Jalandhar, which is extracted as under:-

“Office of Civil Surgeon, Jalandhar.

Civil Surgeon vide letter No Medical/CS/2024/1426-30 dated 12-02-2024.

Patient Sh/Smt/Ms Sukhbir Singh S/o Sh Manjit Singh has been medically examined by the concerned Specialist Doctor (Member) at DDTC and Civil Hospital Jalandhar on dated 15-02-2024.

On Examination: -

Patient is cachectic with spasticity and contractures of all limbs including all feet and hands. Patient is conscious, not oriented to time place person, impaired higher mental function, impaired mental capacity and absent insight.

Medical Board Members:-

- 1. Dr. Abeyraj Singh
Psychiatrist Specialist DDTC,
Jalandhar.*

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2. *Dr. Abhinav Shoor*
Medical Specialist Civil Hospital,
Jalandhar
3. *Dr. Rajdeep Kaur*
Psychiatrist Specialist DDTC,
Jalandhar

Counter Signatures

Sd/-
Civil Surgeon, Jalandhar”

Learned counsel appearing on behalf of respondent No.4- Manjit Kaur, who is wife of petitioner Manjit Singh and mother of patient Sukhbir Singh states that she has no objection in case petitioner Manjit Singh is appointed as guardian of Sukhbir Singh.

Hence, it is evident that Sukhbir Singh – son of the petitioner is undisputedly is not oriented to time, place and person and is suffering from impaired higher mental function, impaired mental capacity and absent insight. He cannot follow commands, move his limbs purposefully, and therefore can be said to be in a vegetative state.

Taking into consideration the totality of the circumstances and larger interest of justice and also noticing that son of the petitioner is suffering from impaired higher mental function, impaired mental capacity and absent insight, the present petition is allowed. Resultantly, Sh.Manjit Singh father of Sukhbir Singh is hereby appointed as guardian of Sukhbir Singh and is authorised to act as his guardian to protect his interests and to represent him before the statutory authorities.

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Petition stands allowed accordingly.

May 10, 2024
raj arora

(VINOD S. BHARDWAJ
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No