

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-14436-2023 (O&M)
Date of Decision: 05.03.2024

ANITA JAIN

... Petitioner

VERSUS

UNION OF INDIA AND OTHERS

... Respondents

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

Present: Mr. Pardhuman Garg, Advocate
for the petitioner.

Mr. Dheeraj Jain, Central Govt. Counsel
for respondent No.1.

Mr. Vivek Chauhan, Addl. A.G., Haryana
for respondent No.2.

Mr. Sandeep Suri, Advocate
for respondent No.3.

Respondents No.4 and 5 in person
(through video conferencing)
identified by learned counsel for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed by the petitioner for being appointed as lawful guardian of her husband namely Sunil Kumar Jain, who is in a comatose condition and to permit her to represent his property, estate and interests and to discharge functions on his behalf.

Learned counsel for the petitioner contends that Sunil Kumar Jain, husband of the petitioner, is in a comatose vegetative state with no signs or prospect of revival. She was married with Sunil Kumar Jain on 03.02.1982. Out of the said wedlock, two sons namely Mohit Jain and Manik Jain were

born. They are presently residing in USA. The said sons have been impleaded as respondents No.4 and 5 in the present petition and they have joined the proceedings today through video conferencing mode. They have also been identified by the counsel for the petitioner.

It is contended that the petitioner alongwith her husband is residing in house No.CD-63, Cedar Drive Malibu Towne, Sector 47, South City-II, Gurgaon. In the year 2019, Sunil Kumar Jain (husband of the petitioner) was diagnosed with hypoxic brain injury and he was treated by Dr. Praveen Gupta, Unit Head-Neurology, Fortis Memorial Research Institute, Sector 44, Gurugram, Haryana and he has since then been in a comatose condition. Despite expensive treatment, he has not been recovered and continues to remain in that paralytic vegetative state. Medical discharge summary of the year 2019 has been appended alongwith the present writ petition as Annexure P-4. Learned counsel for the petitioner further contends that Sunil Kumar Jain retired as Chief Engineer from Chandigarh Housing Board, through VRS, on 01.03.2012 after rendering almost 35 years of unblemished service and had also served as Engineer in Chief for Delhi Integrated Multi Model Transit System Ltd. (DIMTS) and thereafter as an Advisor to the Government of Haryana at Municipal Corporation Gurugram (MCG) and Gurugram Metropolitan Development Authority (GMDA). It is stated that he has bank accounts and lockers in various banks. It is contended that certain currency notes of denomination of Rs.2000/- alongwith other properties are also lying in the said lockers. The details of the said tangible and intangible assets including their accounts and lockers are tabulated hereinafter below:

TANGIBLE ASSETS DETAILS OF SUNIL KUMAR JAIN

S.No.	Detail	Address
1.	Residential House	CD 63 CEDAR DRIVE MALIBU TOWNE SECTOR 47, GURGAON, HARYANA
2.	Farm House	BANBURY DRIVE-20, WILD FLOWER RETREAT, VILLAGE LUHARI, JHAJJAR, HARYANA.
3.	Farm House	LIG 85, SECTOR 4, PARWANOO, HIMACHAL PRADESH.

INTANGIBLE ASSETS DETAILS OF SUNIL KUMAR JAIN

Name	Bank	Account Type	Account No.	Amount
Sunil Kumar Jain	Axis Bank	Savings Account	914010002231966	Rs.93,178/-
-do-	HDFC Bank	Savings Account	50100271229668	Rs.4,70,074/-
-do-	-do-	Savings Account	03301140001396	Rs.5,116/-
-do-	-do-	FD	50300447160008	Rs.5,77,017/-
-do-	-do-	FD	50300447160047	Rs.5,84,191/-
-do-	-do-	FD	50300447160073	Rs.11,52,799/-
-do-	-do-	FD	50300447160099	Rs.11,54,034/-
-do-	-do-	FD	50300648349402	Rs.10,66,366/-
-do-	State Bank of India	Savings Account	00000030261029097	Rs.5,86,036/-
-do-	-do-	Savings Account	000000104137664645	Rs.5,275/-
-do-	-do-	FD	00000038429416626	Rs.29,02,633/-
-do-	-do-	FD	00000038429417563	Rs.28,08,230/-
-do-	-do-	FD	00000038360650388	Rs.75,78,850/-
-do-	-do-	FD	00000037258366956	Rs.68,467/-
-do-	-do-	FD	00000035706093687	Rs.78,481/-

-do-	-do-	FD	00000035008537254	Rs.4,97,786/-
Total				Rs.1,96,28,533/-

Learned counsel for the petitioner contends that since huge expenses have to be incurred for the ongoing treatment of Sunil Kumar Jain, she is in dire need of the funds and that at this stage she is dependent upon her sons, who are settled abroad, for the financial assistance. The recurring expenses are over-bearing and notwithstanding the funds available, the petitioner is handicapped to utilize the available resources for the welfare of her husband Sunil Kumar Jain and other members of the family. It is also contended that the currency notes of denomination of Rs.2000/-, are lying in the bank and have been ordered to be discontinued as legal tender vide notification issued by the Reserve Bank of India on 19.05.2023 and the said currency notes could have been exchanged through the requisite facilities till 30.09.2023.

The medical history and the documents appended alongwith the present petition, duly supported by the affidavit, showing the physical and mental state of Sunil Kumar Jain are not disputed by the counsel for the respective respondents. The sons (respondents No.4 and 5) of Sunil Kumar Jain have no objection to the petitioner being appointed as a guardian to operate and exercise rights of the tangible and intangible assets that have been tabulated above.

Taking into consideration the undisputed facts noticed above and the ‘no objection’ by the sons of the petitioner (respondents No.4 and 5), the present petition is allowed. The petitioner is declared as a guardian of Sunil Kumar Jain and is allowed to operate and deal with the assets tabulated above.

However, insofar as exchange of the currency notes of denomination of Rs.2,000/- is concerned, the petitioner shall approach the concerned bank, which shall inform the concerned Station House Officer (SHO) about the operation of the lockers by the petitioner. An officer/police official shall be deputed by the concerned SHO to join while operating the locker and in the presence of the concerned Branch Manager and to prepare a list/inventory of the currency notes of denomination of Rs.2,000/- that may be recovered from the locker(s). An attested copy of the said list/inventory shall be handed over to the petitioner so that she may move an appropriate application for exchange of the said currency notes with the Bank as per the circular issued by the Reserve Bank of India.

Petition stands allowed accordingly.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

MARCH 05, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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