

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-22787-2023
Date of Decision: 02.02.2024

RAVINDER SETHI AND ANOTHER

... Petitioner

VERSUS

GENERAL PUBLIC AND OTHERS

... Respondents

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

Present: Mr. Jasdev Singh Mehndiratta, Advocate with
Mr. Divyanshu Kaushk, Advocate for the petitioner.

Respondent No.1 *ex-parte* on 08.01.2024.

Mr. Vivek Chauhan, Addl. A.G., Haryana
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for appointing the petitioner No.1 or petitioner No.2 as guardian of Jagmeet Singh to enable them to operate the savings/current bank accounts, bank deposits, lockers etc. and to take decisions regarding his other movable or immovable properties, since the said Jagmeet Singh is in comatose state since January 2017.

The petitioners, who are wife and son of Jagmeet Singh, have approached this Court for appointment of any or both of them as guardian(s) of Jagmeet Singh who is in a vegetative state since January 2017. Said Jagmeet Singh was carrying on business of fabrication of body of vehicles and petitioner No.2 used to assist him in running the affairs of the said business. Jagmeet Singh, however, fell ill and thereafter focus of the entire family has shifted on his treatment. The business thus remained unattended and consequently ran into

losses. Jagmeet Singh having suffered a cardiac arrest on 27.01.2017, is lying since then in a Hypoxic Ischemic Encephalopathy Sequelae with spastic quadriparesis, dysphagia and in a persistent vegetative state being minimally conscious. He is undergoing treatment at home under medical care of team of doctors of Columbia Asia Hospital, Palam Vihar, Gurugram. The medical record of Jagmeet Singh has also been appended alongwith the present petition including the discharge report and MRI etc. Jagmeet Singh was 57 years of age at the relevant point of time. He has been suffering from multiple ailments thereafter and despite being managed conservatively, it still requires a heavy financial exposure. A sum of Rs.1.20 crore approximately has already been spent by the petitioners on his treatment and they have already borrowed money from different sources, including their relatives and friends, to meet the medical expenses. It is contended that Jagmeet Singh had various bank accounts/deposits and lockers and that there is certain money which is lying deposited therein, however, on account of Jagmeet Singh being indisposed, the petitioners are not being permitted to operate the said accounts or to access the lockers etc.

The petitioners also preferred a civil suit in the Court of Civil Judge (Jr. Division), Gurugram against the General Public, praying for a declaration that either or both of the petitioners be appointed as guardian(s) of Jagmeet Singh and be empowered to manage his movable and immovable properties so as to enable them to operate the bank accounts and lockers etc. The notice in the said civil suit was issued by the trial Court on 26.11.2019. As no one had come forward to raise any objection, the General Public was ordered to be proceeded against *ex parte*. The medical record and other evidence were

also produced before the Civil Court and despite the evidence having been adduced, the Civil Suit was dismissed holding the same to be not maintainable, vide judgment and decree dated 18.01.2021. The said judgment and decree were unsuccessfully assailed before the District Judge, Gurugram which was dismissed vide judgment dated 11.05.2023. A Regular Second Appeal 2554 of 2023 was also filed. The petitioners themselves referred to various judicial pronouncements pertaining to the remedy of filing a separate writ petition under Article 226 of Constitution of India. The RSA was thus permitted to be withdrawn by the petitioners to avail the alternative remedy, vide order dated 04.08.2023. The instant writ petition has been filed thereafter.

Details of the bank accounts, deposits and lockers etc. in the name of Jagmeet Singh with Kotak Mahindra Bank in Sector 22, Gurugram having IFS Code KKBK0004260 are as under:

Sub Operate A/cs of Jagmeet Singh-

Current A/c No.592011024197

Saving A/c No.592010393500

TD against Locker – 6011787688 + 1 Locker.

Counsel for the petitioner contends that the petitioners have exhausted all their resources in meeting out the financial burden and medical expenditure for the treatment of Jagmeet Singh and that they may be permitted to operate the said bank accounts and access the lockers to augment their financial resources for continuing the treatment of Jagmeet Singh.

Notice in the present petition was issued. No one however has filed any objection(s) on behalf of General Public despite publication in the newspaper. The respondent-General Public was thus ordered to be proceeded against *ex parte*.

At the same time, a report had also been called from the Principal Medical Officer, Civil Hospital, Gurugram. A Medical Board was constituted by the Civil Surgeon, Gurugram comprising of Dr. Amit Kumar (Physician) and Dr. Vikram Dagar (Orthopaedician) and the said Jagmeet Singh has been reported to be in comatose state. Left thumb impression of the patient had also been obtained on the abovesaid report.

Hence, it is evident that Jagmeet Singh - husband of petitioner No.1 and father of petitioner No.2 is undisputedly in a vegetative state.

Taking into consideration the totality of the circumstances and larger interest of justice and also noticing that there is no other claimant to dispute the status of the petitioners and/or their entitlement to operate the account of Jagmeet Singh, the present petition is allowed. Resultantly, Ms. Ravinder Sethi, wife of Jagmeet Singh is hereby appointed as guardian of Jagmeet Singh and is authorised to operate his savings/current bank accounts, bank deposits and lockers with the respondent No.4- Kotak Mahindra Bank, the details of which have already been extracted in the preceding part of the judgment, subject to any other order that may have been passed by any Court of competent jurisdiction restraining operations of the said account's or lockers.

Petition stands allowed accordingly.

FEBRUARY 02, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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