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

+ **W.P.(C) 2467/2024**

AVINDER BINDRA

.....Petitioner

Through: **Mr. Pradeep Dahiya, Advocate**

versus

GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **01.08.2024**

CM APPL. 43697/2024 (application under Section 151 of the CPC to place on additional documents)

1. Considering the urgency of the matter, instead of deciding the application, the main writ petition is called on board and heard.

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2. The Petitioner has invoked the jurisdiction of this Court for appointing himself as guardian of Mrs. Jasbir Kaur Bakshi, in order to protect her investments, assets, shareholdings and also take other necessary decisions for and on behalf of Mrs. Bakshi before appropriate Government/Statutory authorities.

3. Counsel for Petitioner presents the following facts and contentions:

3.1. Petitioner is the brother (blood relative) of Mrs. Jasbir Kaur Bakshi. Mrs. Bakshi's husband, Mr. Jang Bahadur Singh Bakshi deceased on 17th March, 2009. Her son, Mr. Jeet Bahadur Singh Bakshi has also

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unfortunately passed away on 09th March, 2016. The death certificates of late Mr. Jang Bahadur Singh Bakshi as well as late Mr. Jeet Bahadur Singh Bakshi, have been placed on record.

3.2. Owing to medical complications and ailments, Mrs. Bakshi has been admitted in hospital on several occasions. Her condition has deteriorated over the period of time and currently, she is now unable to move and is in a comatose like state. The MRI report done at Fortis Hospital, Vasant Kunj reveals that there is an acute infarct in left MCA (Middle Cerebral Artery) territory and chronic infarct in left para-sagittal region of her limb. Despite treatments, Mrs. Bakshi's speech and limb movements has not shown any sign of improvement and, on 17th January, 2024, she was discharged from Fortis Hospital, Vasant Kunj in a vegetative/comatose state. Since then, she is admitted at Epoch Elder Care Centre, Gurugram, which is a facility providing patients with medical care and assistance.

3.3. Under Court's order dated 03rd May, 2024, the medical team of GB Pant Hospital examined Mrs. Bakshi and submitted an opinion dated 03rd June, 2024 to the following effect:

"With reference to Delhi High Court Order W.P.(C) 2467/2024 Avinder Bindra Vs. Govt. of NCT of Delhi.

The patient Mrs. Jasbir Kaur Bakshi was examined at Epoch Elder Care center by Dr. Swapan Gupta, Dr. Sumirini P, Dr. Deepti Grover. She has right hemiparesis (Power MRC grade Upper Limb 0/5, Lower Limb- 1/5) with global aphasia. She suffered a major stroke on 02.01.2024 & is currently in recovery phase. At present, she is unable to understand verbal commands/written commands and unable to speak. She is unable to use her right hand for doing her activities including writing."

3.4. In the above circumstances, counsel for Petitioner contends that Petitioner being the only surviving blood relative of Mrs. Bakshi, be appointed as her guardian. He has all throughout been looking after the



needs of Mrs. Bakshi, and has borne expenditure of approximately INR 2 crores till date. The details of the financial assistance and medical expenses delineated in application bearing No. CM APPL. 43697/2024, are supported by statement of bank accounts and credit card statements of the Petitioner and his wife.

3.5. In light of the above, it is prayed that the Petitioner be appointed as a guardian of Mrs. Bakshi so that he can utilize Mrs. Bakshi's assets to look after her needs and to meet the medical and other expenses.

4. Heard.

5. In light of the report received from the GB Pant Hospital, Mrs. Bakshi presently is in a vegetative state and is dependent on the Petitioner.

6. Considering the fact that there is no specific provision in law, dealing with the procedure for appointment of guardian of a person who is in vegetative/comatose state, relying on the view of this Court in ***Vandana Tyagi & Anr. v. Government of National Capital Territory of Delhi & Ors.***¹ and judgment of the High Court of Kerala in ***Shobha Gopalakrishnan v. State of Kerala***,² the Court is inclined to exercise its jurisdiction under Article 226 of the Constitution of India, 1950, and act as *parens patriae*. The moveable and immovable assets of the Petitioner are delineated hereunder:

A) **Companies, including the equity percentage of Mrs. Bakshi:**

S.No.	Name of the Company	Equity %
1.	Asika Investments Private Limited	50%
2.	Akita Investments Private Limited	50%
3.	Gatita Finance and Investment Private Limited	0.19%

¹ 2020 SCC OnLine Del 32

² 2019 SCC Online Ker 739



4.	Devyani Finance and Investment Private Limited	50%
5.	Mina Consultants Private Limited	0.28%
6.	Jaimin Packaging Private Limited	1.99%
7.	Sirase Investments Private Limited	0.19%
8.	Shirely Real Estates Private	0.19%
9.	Taj Exim International Limited	7%
10.	Zeal Consultants and Trading Private Limited	0.98%
11.	Zeal Packaging Private Limited	0.19%
12.	Zulekha Trading and Finance Private Limited	0.007%

B) Bank accounts maintained by Mrs. Bakshi along with the accounts in the name of the various companies wherein Mrs. Bakshi is a shareholder:

S.No.	Holder & Bank Details	A/c No.
1.	A/c Holder: Jasbir Kaur Bakshi Punjab National Bank D-5, Vasant Vihar, New Delhi: 110057	1530000100289465
2.	A/c Holder: Jasbir Kaur Bakshi Punjab National Bank New Delhi EC, Vasant Vihar, New Delhi 110057	52602010040710 DP ID: IN 300020 CLIENT ID: 30192099
3.	A/c Holder: Jasbir Kaur Bakshi ICICI Bank C-17, C Block Market, Paschimi Marg, Vasant Vihar, New Delhi 110057	006501514332
4.	A/c Holder: Jasbir Kaur Bakshi ICICI Bank C-17, C Block Market, Paschimi Marg, Vasant Vihar, New Delhi 110057	006501113117
5.	A/c Holder: Jasbir Kaur Bakshi	520101011140948



	Union Bank of India Vasant Vihar, Delhi, New Delhi 110057	
6.	A/c Holder: Jasbir Kaur Bakshi HDFC Bank D Block, Vasant Vihar, New Delhi 110057	00111000130283
7.	A/c Holder: Jasbir Kaur Bakshi ICICI Bank C-17, C Block Market, Paschimi Marg, Vasant Vihar, New Delhi 110057	0065015098694
8.	A/c Holder -Mrs. Jasbir Bakshi Syndicate Bank Delhi	90312010042251
9.	A/c Holder — Mrs. Mina Bakshi State Bank of India, Delhi	10415404840
10.	A/c Holder: Zulekha Trading and Finance Pvt. Ltd. Punjab National Bank D-5, Vasant Vihar, New Delhi 110057	1530002100015840
11.	A/c Holder: Mina Consultants Pvt. Ltd. Punjab National Bank D-5, Vasant Vihar, New Delhi 110057	1530002100015831
12.	A/c Holder: Shirley Real Estate Pvt. Ltd. Punjab National Bank D-5, Vasant Vihar, New Delhi 110057	1530002100015859
13.	A/c Holder: Taj Exim International Ltd. ICICI Bank C-17, C Block Market, Paschimi Marg, Vasant Vihar, New Delhi 110057	006505003925
14.	A/c Holder: Taj Exim International Ltd. Union Bank of India Vasant Vihar, Delhi New Delhi 110057	CBCA01000041 (Old Account No.)



15.	A/c Holder: Taj Exim International Ltd. Bank of Baroda IBB, Nariman Point, Mumbai, Maharashtra	23820200000185
16.	A/c Holder: Jit Family Trust Union Bank of India, Vasant Vihar, Delhi New Delhi 110057	CA/01/000544 (Old Account No.)
17.	A/c Holder: Unimin India Ltd. Union Bank of India, Vasant Vihar, Delhi New Delhi 110057	510321000005905
18.	A/c Holder: Unimin India Ltd. State Bank of India Nani Daman, Daman	10246832650

C) **Locker details:**

Locker No.	Bank Name
Locker No. 390	ICICI Bank, C-17, C Block, Paschimi Marg, Vasant Vihar, New Delhi-110057 linked to A/c. No. 006501514332
Locker No. 564	ICICI Bank, Basant Lok, Vasant Vihar, New Delhi-110057

D) **Equity shares:**

Sl.	Company	Holder(s)	Share Certificate
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No.			No./ Folio No./ DP & Client Id.
1.	Punjab National Bank (Depository)	Jasbir Kaur Bakshi	i.Cals Refineries Ltd. - ISIN Code: INE040C01022 ii. Unimin India Ltd. - ISIN Code: INE672C01014
2.	Reliance Industries Limited	i. Jeet Bahadur Singh Bakshi; ii. Jasbir Kaur Bakshi	Share Certificate No. 53625930
3.	Reliance Industries Limited	i. Jeet Bahadur Singh Bakshi; ii. Jasbir Kaur Bakshi	Share Certificate No. 04524705
4.	Reliance Industries Limited	i. Jeet Bahadur Singh Bakshi; ii. Jasbir Kaur Bakshi	Share Certificate No. 53625931
5.	Reliance Industries Limited	i. Jeet Bahadur Singh Bakshi; ii. Jasbir Kaur Bakshi	Share Certificate No. 10045448
6.	Reliance Industries Limited	i. Jeet Bahadur Singh Bakshi; ii. Jasbir Kaur Bakshi	Share Certificate No. 04524704
7.	Reliance Capital Limited	i. Jeet Bahadur	Folio/ DP & Client Id.



		Singh Bakshi; ii. Jasbir Kaur Bakshi	100238799
8.	Reliance Home Finance Limited	i. Jeet Bahadur Singh Bakshi; ii. Jasbir Kaur Bakshi	Folio/ DP & Client Id. 100238799
9.	Reliance Infrastructure Limited	i. Jeet Bahadur Singh Bakshi; ii. Jasbir Kaur Bakshi	Folio/ DP & Client Id. 100238799
10.	Reliance Infrastructure Limited	Jang Bahadur Singh Bakshi	Folio/ DP & Client Id. 10125214
11.	Reliance Home Finance Limited	Jang Bahadur Singh Bakshi	Folio/ DP & Client Id. 10125214
12.	ABN Amro Bank (Depository) Shares of i. BSL Ltd. (ISIN - INE594B01012) ii. JSW Steel Ltd. (ISIN - INE019A01020) iii. Steel Strips WH (ISIN - INE802C01017)	Jang Bahadur Singh Bakshi	Folio/ DP & Client Id. 10125214
13.	Godrej Consumer Products Limited	Jang Bahadur Singh Bakshi	Share Certificate No. 0608950
14.	Tamil Nadu Petroproducts	Jeet Bahadur Singh	Folio/ DP & Client Id.



	Limited	Bakshi	00098010
15.	Finolex Industries Ltd.	Jang Bahadur Singh Bakshi	Folio/ DP & Client Id. J0003699
16.	The Royal Bank of Scotland (Depository)	i. Jeet Bahadur Singh Bakshi; ii. Jang Bahadur Singh Bakshi	Held in dematerialized form (Demat Account)
17.	Unimin India Limited	Gatita Finance and Investment Private Limited	Share Certificate No. 129129
18.	Hindalco Industries Limited	Gatita Finance and Investment Private Limited	Folio No. HEA21248
19.	Honeywell Automation India Limited	Jang Bahadur Singh Bakshi	Ref. No. WARR NO 193
20.	Kabra Extrusiontechnik Limited	Jang Bahadur Singh Bakshi	Ref No. 50200032890050
21.	Kabra Extrusiontechnik Limited	Jang Bahadur Singh Bakshi	Ref No. 50200059948239
22.	TVS Electronics Limited	Jeet Bahadur Singh Bakshi	N.A.

E) Details of property of late Mr. Jeet Bahadur Singh Bakshi

Late Jeet Bahadur Singh Bakshi had entered into a partnership deed with Mr. T. Kolappan on 01.04.1995 and established a partnership firm under the name and style of M/s. K.P. Marketing Agency. Thereafter, the said



partnership firm had purchased a property being Door No. 17, Third Floor, Stonedged Tower, 1% Avenue, Ashok Nagar, Chennai-600083, Tamil Nadu through registered sale deed dated 31st July, 1996. Upon the demise of Late Jeet Bahadur Singh Bakshi, this property has now devolved upon Mrs. Bakshi.

F) Lease Hold Property

Late Mr. Jang Bahadur Singh Bakshi, in the authority of Chairman of Uniplas India Limited, had leased a portion of its land measuring 26,614 sq. mtrs. bearing survey/ plot nos. 86/3, 86/4, 87/1, 87/2, 87/3, 87/4, 88/1, 88/2, 88/3, 89/1, 89/2 and 89/3 situated in Daman Industrial Estate, Village Kadaiya, Bhimpore, Taluka and District - Daman on 14th December, 1993 for a period of 30 years. The said lease deed registered with the Sub-registrar, Daman has since expired on 14th December, 2023. Nonetheless, upon his demise, the rights of late Mr. Jang Bahadur Singh Bakshi now vest with Mrs. Bakshi.

7. In light of the above, the Court issues following directions:

- a) The Petitioner is appointed as the legal guardian of Mrs. Jasbir Kaur Bakshi in respect of her properties, assets, including her bank accounts, shares etc., details whereof are given in the preceding paragraphs.
- b) The Petitioner is permitted to represent Mrs. Jasbir Kaur Bakshi in respect of all her properties and also the assets and properties of her deceased husband, late Mr. Jang Bahadur Singh Bakshi and her deceased son, late Mr. Jeet Bahadur Singh Bakshi, as provided in the writ petition, before the appropriate Government/Statutory authorities, Courts/Tribunals.
- b) The Petitioner is also permitted to deal with all the assets of Mrs. Bakshi, both movable and immovable in the manner he deems fit and



necessary. He shall file a report with the Registrar General of this Court, after every 6 months, giving details of the transactions undertaken by him in respect of assets of Mrs. Bakshi.

c) Petitioner shall fulfil all obligations and duties similar to those prescribed in Section 16 of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 and provide annual accounts to the Court.

8. With the above directions, the present petition, along with pending application, is disposed of.

9. The date fixed i.e. 2nd December, 2024 stands cancelled.

SANJEEV NARULA, J

AUGUST 1, 2024
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