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

% ***Date of decision: 30th September, 2024***

+ **CM(M) 2807/2024**

ADITYA MADAN

.....Petitioner

Through: **Mr. Anshu Mahajan, Advocate along
with petitioner-in-person**

versus

THE STATE & ORS.

.....Respondent

Through: **Mr. Prashant Manchanda, ASC,
GNCTD along with Mr. Ms. Haridas
Medha Dilip, Advocates
Mr. Vaibhav Manu Srivastava,
Advocate for R-2**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 2807/2024 & CM APPL. 57397/2024 (early hearing)

1. Present application has been filed on behalf of petitioner seeking early hearing. Since counsel for the respondents are also present, with the consent of all concerned, date is preponed and matter as such has been taken up for final hearing.
2. The guardianship petition has been filed by respondent no. 2 herein. Such petition has been filed under Section 14 of the Rights of Persons with Disabilities Act, 2016 read with Mental Healthcare Act, 2017 for appointment of guardian.
3. When the above-said petition was pending before the learned Trial Court, an application under Order VI Rule XVII CPC was moved by the



petitioner seeking amendment in the petition and by virtue of amendment, she merely wanted to incorporate one prayer to the following effect: -

“based on the content of the medical report dated 07.03.2023 referring to 40-70% disability of Justice (Retd.) Arun Madan, appoint Mrs. Kantaa Madaan as a guardian of Justice (Retd.) Arun Madan, being his caregiver qua the subject property being S-496, Greater Kailash Part I, New Delhi-110048.”

4. According to learned counsel for petitioner herein, such prayer cannot be allowed as it runs contrary to the averments made in the petition itself.
5. Needless to say, mere fact that the amendment has been allowed and one additional prayer has been incorporated in the petition as such, it cannot be automatically assumed that such prayer would be eventually allowed also by learned Trial Court.
6. Learned Trial Court is duty bound to consider the averments made in the pleadings as a whole and after conducting summary proceedings, it can always come to any conclusion, either way.
7. At the cost of repetition, this Court may clarify that merely because of the fact that prayer has been allowed to be incorporated would not mean that this prayer would also be allowed *ipso facto*.
8. In view of the above, learned counsel for the petitioner does not press the present petition.
9. Present petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 30, 2024/dr