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

+ **W.P.(C) 11170/2024**

SIMARDEEP UPPAL & ANR.

.....Petitioners

Through: Mr. Aditya Swarup and Mr. Ribhav
Pande, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Manashway Jha, Advocate for
Ms. Vaishali Gupta, Advocate for R-
1.
Ms. Avshreya Pratap Singh Rudy,
SPC with Ms. Usha Jamnal and
Ms. Harshita Chaturvedi, Advocates
for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.04.2025

**CM APPL. 21422/2025 (for direction & modification of order dated 20th
December, 2024)**

1. Through order dated 20th December, 2024,¹ this Court appointed Mr. Simardeep Uppal (Petitioner No.1) and Dr. Preerna Uppal (Petitioner No.2), the children of Dr. Sarvajit Singh Uppal, as the joint legal guardians of Dr. Sarvajit Singh Uppal, and authorized them to manage his estate, subject to certain conditions. Through the present application, the Petitioners seek appropriate directions to expend sums beyond the limits prescribed by this

¹ “Guardianship order”



Court and also seek a clarification with respect to certain Bank Accounts that have been recorded in the Guardianship order.

2. The relevant portion of the Guardianship order reads as follows:

“i. Mr. Simardeep Uppal (Petitioner No.1) and Dr. Preena Uppal (Petitioner No.2) are appointed as the Joint legal guardians of Dr. Sarvajit Singh Uppal. All authorities shall accept the status of the Petitioners as Joint legal guardians of Dr. Sarvajit Uppal and allow them to operate or manage the movable and immovable properties of Dr. Sarvajit Uppal in the terms set out below.

ii. The legal guardians shall take unanimous decisions in respect of the affairs of Dr. Sarvajit Uppal, including his medical treatment, healthcare, daily living, etc. However, as requested by the Petitioners in paragraph no. 22 of the petition, decisions with respect to any bank accounts and movable property, including fixed deposits, of Dr. Sarvajit Singh Uppal, shall be solely taken by Petitioner No.1. Decisions with respect to immovable property of Dr. Sarvajit Uppal shall be jointly taken by both the Petitioners.

(iii) Subject to conditions (ii) (iv) and (v) noted below, the legal guardians shall be free to deal with the movable and immovable assets of Dr. Sarvajit Uppal. Specifically, they shall be permitted to deal with the assets specified below:

(1) House bearing No. C-211, Sarvodaya Enclave, New Delhi-110017, measuring 410 Sq.Mts., consisting of Four Bedrooms, One Drawingcum- Dining Room, One Kitchen, Four Toilet-cum-Bathroom with garage.

(2) Savings Bank accounts at UCO mentioned below and its associated Fixed Deposit Accounts: a. Account Number : 90030110022047 b. Account Number : 90030100003193

(3) Savings Bank accounts at Punjab National Bank mentioned below and its associated Fixed Deposit Accounts:

a. Account Number : 0636000100024309

b. Account Number : 0636000100023656

(4) Savings Bank accounts at Axis Bank mentioned below and its associated Fixed Deposit Accounts:

a. Account Number: 922010004051983

b. Account Number : 922010004681050

(5) Senior Citizen savings schemes:

a. Senior Citizen Saving Scheme No. 063600SCSS000088

b. Senior Citizen Saving Scheme No. 063600SCSS000089

(6) PPF account : 063600PPF000000000684 in Punjab National Bank.

(7) Car viz. White Maruti Suzuki Swift (2012 Model) with vehicle No. DL2CAP5248.



(iv) The joint legal guardians are permitted to withdraw only upto 7 lakhs per month from the aforementioned bank accounts towards the care of Dr. Uppal. In case they need to withdraw a higher amount, they shall approach the court for appropriate directions.”

3. Counsel for the Applicants submits as follows:

3.1. Certain funds need to be withdrawn from the bank accounts of Dr. Sarvajit Singh Uppal, in excess of the limits prescribed in paragraph no. 11(iv) of the Guardianship Order, for meeting Dr. Sarvajit Singh Uppal's income tax obligations and purchasing a new car for his use.

3.2. Although paragraph 11(ii) of the Guardianship Order grants Petitioner No.1 exclusive authority to make decisions regarding Dr. Uppal's bank accounts and movable assets, including fixed deposits, Punjab National Bank is refusing to honour cheques signed solely by Petitioner No.1, relying on paragraph 11(iv), which permits both the Petitioners to withdraw up to Rs. 7 lakhs per month for Dr. Uppal's care. Accordingly, appropriate directions, modifying the Guardianship order, are sought to clarify that Petitioner No.1 alone is authorised to operate the said bank accounts.

3.3 Petitioners also seek a direction permitting them to exceed the prescribed monetary limits, in case of an unforeseen medical emergency involving Dr. Sarvajit Singh Uppal, without requiring prior approval of this Court.

3.4. Petitioner No.1 is a joint account holder of the accounts mentioned in paragraph no. 17 of the instant application, and therefore, the withdrawal limits prescribed under the Guardianship order should not apply to these accounts.

4. In light of the foregoing, and for the grounds and reasons stated in the application, the Court deems it appropriate to issue the following directions:



4.1 Paragraph no. 11 (iv) of the Guardianship order shall now read as under:

“(iv) Petitioner No.1 is permitted to withdraw only upto 7 lakhs per month from the aforementioned bank accounts towards the care of Dr. Uppal. In case they need to withdraw a higher amount, they shall approach the court for appropriate directions.”

It is hereby reiterated that Petitioner No.1 is solely authorized to operate the bank accounts, referenced in paragraph no. 11 of the Guardianship Order,² and the concerned bank is directed not to obstruct Petitioner No.1 in the legitimate management of the aforementioned accounts.

4.2 Petitioner No.1 is authorized to make payments towards the income tax liability of Dr. Sarvajit Singh Uppal and for purchase of a new car from the bank accounts specified in paragraph 11(iii) of the Guardianship Order. It is hereby clarified that this amount.0 may be withdrawn in addition to the Rs. 7 lakhs limit prescribed in paragraph 11(iv) of the Guardianship Order. The amounts withdrawn under this, shall be utilised solely for the purpose of discharging the income tax liability of Dr. Sarvajit Singh Uppal, and for the purchase of a new car. Petitioner No.1 shall file the relevant tax payment receipts and supporting documents before the registry of this Court, within four weeks of such payment.

4.3 In the event of an unforeseen medical emergency concerning Dr. Sarvajit Singh Uppal, the Petitioners are permitted to incur expenses beyond the monetary limits prescribed in the Guardianship Order, without seeking prior approval of this Court. However, the Petitioners shall ensure that such expenditure is reasonable, necessary, and directly related to the medical care of Dr. Uppal. Detailed records of such expenses, along with supporting



medical and financial documentation, shall be filed before the registry of this Court, within two weeks of incurring such expenditure

4.4 The concerned banks authorities are directed to comply with the aforementioned directions.

5. As regards the submission that Petitioner No.1 is a joint account holder in some of the accounts listed in paragraph no.11 of the Guardianship order it must be noted that the primary account holder of these accounts is Dr. Sarvajit Singh Uppal/Dr. Daljit Kuar Uppal. Accordingly, this Court does not find merit in the request to exclude these accounts from the withdrawal limits prescribed under the Guardianship Order.

6. Disposed of in the above terms.

SANJEEV NARULA, J

APRIL 23, 2025

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² as modified