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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM(M) 3302/2024 & CM APPL. 50508/2024**

**VIVEKANANDA SENGUPTA**

.....Petitioner

Through: Mr. S.K. Bhaduri and Ms.  
Shreyangana Bag, Advocates.

versus

**JAYANTI DASGUPTA**

.....Respondent

Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**

**02.09.2024**

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1. After hearing arguments for some time, learned counsel for the petitioner states that he does not press the present petition and be permitted to move appropriate application before the learned Trial Court seeking revival of the suit which was disposed of on 4<sup>th</sup> August, 2018 so as to have requisite direction for request made earlier under Section 54 of Mental Health Act, 1987 for appointment of manager for Management of the property of his brother and consequent relief.

2. It is noticed that the petitioner had earlier moved petition seeking directions under Section 53 and Section 54 of Mental Health Act, 1987. Such petition was disposed of while allowing the prayer under Section 53 of Mental Health Act. However, as far as request under Section 54 of Mental Health Act, 1987 was concerned, it was not allowed but at the same time, it was also observed by the learned Court that if situation so arose and any decision was

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to be taken in respect of 1/3 undivided share of Mr. Shankar Sengupta, the petitioner would be at liberty to move appropriate petition before the same Court and place all the facts and documents to enable the Court to take a considered view in this regard.

3. It seems that without seeking formal revival of the suit and getting order under Section 54 of said Act, a joint application was moved under Order XXXIIA CPC for re-development of the property on the ground of that it was in dilapidated state.

4. Be that as it may, in view of the above statement, the present petition is disposed of as not pressed without prejudice to the rights and contentions of the parties.

5. Simultaneously, liberty, as prayed for, is granted.

6. Needless to say, as and when any such application is moved before the learned Trial Court, it would consider the same in terms of the above said observations contained in order dated 4<sup>th</sup> August, 2018 in context of Section 54 of Mental Health Act and for consequential relief, if any, including that of re-development of property.

7. Order dasti, under the signature of the Court Master.

**MANOJ JAIN, J**

**SEPTEMBER 2, 2024/ss**