

Civ DJ NO. 763/24

ARJUN SINGH ARORA Vs. STATE (GOVT OF NCT OF DELHI)
CNR No. DLWT01-008192-2024

23.07.2026

Present: Sh. Rajesh Kumar Luthra, Ld. Counsel for the plaintiff.
Ms. Arpita Mandal, Ld. Counsel for the defendant through
VC.

Heard.

The Section 14 of the Right of Persons with Disabilities Act,
2016 is reproduced as under :-

14. Provision for guardianship. (1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation. For the purposes of this sub-section, "limited guardianship" means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be

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limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

The Rule 7 of the Rights of Persons with Disabilities Rules, 2018 is reproduced as under :-

7. Limited Guardianship, (1) A District Court on its own, or on an application filed by the person with disability, or through a blood relative or filed on behalf of the person with disability through a Government organisation or a Registered organization under whose care the person with disability is residing, shall grant the support of a limited guardian to take a legally binding decision on behalf of the person with disability in consultation with such person.

(2) The District Court, before granting the support of a limited guardian for the person with disability shall satisfy itself that such a person is not in a position to take legally binding decision on one's own

(3) The District Court shall hold hearings to determine the legal capacity of the person with disabilities, During such hearings, the person with disabilities shall be present. If required, expert opinion shall be sought by the court to determine the legal capacity of the person with disabilities.

(4) The validity period for limited guardianship as appointed

under sub-rule (1) shall be initially for a period of three years which can be further extended by the District Court as the case may be Provided that the District Court shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.

(5) The District Court shall take a decision preferably within a period of one month from the date of receipt of an application regarding grant of limited guardianship or from the date of coming to its notice of the need of such limited guardianship: Provided that the consent of the person to act as a limited guardian shall also be obtained before grant of such limited guardianship:

Provided that the District Court shall follow the same procedure while extending the validity of the limited guardianship as followed while granting the initial guardianship.

As per the aforesaid rules, the District Court has power to appoint a guardian of a disabled person, in case, an application is moved by a blood relative.

Ld. counsel for the petitioner submits that he has not sought the appointment for limited guardianship under Section 14 of the National Trust Act, 2000 in as much as the rule 17 of the National Trust Act deals with the removal of the guardian and Sub Rule (3) of Rule 17 provides that any citizen of India can be appointed as guardian of a disabled person. Therefore, he has filed the present suit under Order 32 A CPC being the maternal uncle of disabled child and is blood relative of the disabled child.

-4-

At this stage, Ld. counsel for the petitioner seeks time to get instruction from the plaintiff in respect of the further proceedings.

Put up for further proceedings on **27.07.2026**.

(Dr. Vijay Kumar Dahiya)
Principal District & Sessions Judge (West)
Delhi/23.07.2026