

PC 37/22

HEM CHAND AGGARWAL Vs. STATE

15.02.2024

Present: Ms. Shivani, Ld. Counsel for petitioner.
Sh. Anil Saini, Ld. Counsel for respondents.
Respondent no. 6 in person.

An application u/o 32 Rule 3 and 15 CPC, 1908 for appointment of guardian ad-litem for respondent no. 4 has been filed under the signature of husband of respondent no. 4, Sh. Ramesh Kumar Gupta. With application, certain medical prescriptions are also filed. Advance copy has already been supplied to Ld. Counsel for petitioner.

It is stated in the application that respondent no. 4 is unconscious since 18.09.2019 and is under treatment at NEO hospital, Noida. As per report, doctor opined “Epilepticus with acute MCA territory infarct recurrent CVA-Right FP Subacute infarct-left hemiplegia HTN/DM TPYE II/Hypothyroidism/CKD/Urosepsis/Ischemic Cardiomyopathy-LVEF 25% LRTI.

Ld. Counsel for the petitioner has filed reply to the aforesaid application stating that petitioner has no objection if the husband of respondent no. 4 is appointed guardian of respondent no. 4.

Heard. Considered.

There is prima facie proof that respondent no. 4, because of severe physical ailments, is not in position to act independently and is not able to protect her interest. Further, the application has been moved by husband of respondent no. 4, and they are living together as

husband and wife for more than 40 years, as such, it can be said that the interest of the applicant is not adverse to the respondent no. 4. Also, there is no objection by petitioner. Even respondent no. 6 admits that respondent no. 4 is bed-ridden. Accordingly, application is allowed. Sh. Ramesh Kumar Gupta, husband of respondent no. 4 is permitted to act as guardian for respondent no.4 for the present petition.

Ld. Counsel for petitioner is directed to file amended memo of parties.

Statement of respondent no. 6 has been record today in the court wherein she has given her no objection in favour of petitioner.

Put up for further proceedings on 04.04.2024.

(Abhishek Srivastava)
Addl. Distt. Judge-05,
Central, THC, Delhi
15.02.2024(sr)