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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 436/2021

KAVITA JAIN

.....Plaintiff

Through: Mr. Omansh Gupta, Adv.
(Mob.9810156323)

Versus

MOHIT SINGHAL & ANR.

.....Defendants

Through: Mr. Sachin Arora, Adv. for D-1
(joined through VC)
Dr. Vipin Chauhan, head of
Roshan Smriti Old Age Home in
person

CORAM:

**JOINT REGISTRAR (JUDICIAL) MS. PRIYA
MAHENDRA, (DHJS)**

ORDER

% **25.02.2025**

**IA No.41015/2024 under Section 151 CPC moved by the
plaintiff for directions**

1. Vide order dated 14.11.2024, the reply filed by defendant no.1 was ordered to be taken off the record.
2. Accordingly, the captioned IA stands disposed of as being infructuous.

**I.A. 4374/2024 (Application u/O XXII Rule 15 CPC
filed by plaintiff for determining the mental status of
defendant no.2)**

3. Dr. Vipin Chauhan, head of Roshan Smriti Old Age Home is present and has placed on record a Detailed Report. The same is taken on record. It is stated in the said report that defendant no.2/Mr. Arun Kumar Singhal is under care of Roshan Smriti Old Age Home since 12.08.2021 and has been residing continuously at Roshan Smriti Old Age Home since then. It is further stated that at



the time of his admission, he had i) symptoms indicative of mild to moderate dementia, ii) observed symptoms included recent memory loss, difficulty with sentence formation, and episodes of aggression and occasional violent behaviour and iii) pre-existing medical conditions included diabetes and hypertension, for which he was already receiving treatment.

It is stated that during the course of his stay, progressive decline in speech was noted, culminating in an inability to speak by approximately April, 2022.

4. Dr. Vipin Chauhan has further informed that the defendant no.2 is currently largely bedridden, semi-conscious, and unresponsive to verbal commands and requires continues palliative care due to his progressive neurological decline and current medical condition. He also submits that the payment of treatment of defendant no.2/Mr. Arun Kumar Singhal is borne by defendant no.1/son of defendant no.2 only. Further, he submits that the plaintiff/daughter of defendant no.2 only occasionally visits her father at Roshan Smriti Old Age Home and even the defendant no.1, who is a resident of USA does not connect with defendant no.2 regularly. He submits that the emotional connect with his children would help in improving neurological condition of defendant no.2 considerably.

5. At this stage, Dr. Vipin Chaun is enquired whether any formal hospitalisation of defendant no.2/Mr. Arun Kumar Singhal in any multi-speciality hospital would help in improving his overall condition. Dr. Vipin Chauhan submits that his team is giving personal care to defendant



no.2/Mr. Arun Kumar Singhal since the year 2021 and therefore, defendant no.2 has personal rapport with them. He submits that in these circumstances, the formal hospitalisation of defendant no.2 may not help as he is aged about 80 years of age and largely bedridden.

6. Keeping in view the totality of circumstances, it is ordered that Roshan Smriti Old Age Home will ensure regular counselling and physiotherapy sessions for defendant no.2. The cost of the same shall be borne by **defendant no.1** for the time being. It is also ordered that the plaintiff shall regularly visit her father/defendant no.2 at Roshan Smriti Old Age Home to provide emotional support to her bedridden father. Similarly, the defendant no.1 shall also regularly connect with defendant no.2/his father through video conferencing and other digital modes. The regular reports be filed by Roshan Smriti Old Age Home regarding medical condition of defendant no.2 and compliance of aforesaid directions.

7. At this stage, it is found that the captioned IA has been filed by the plaintiff under Order XXII Rule 5 of CPC. However, in the prayer clause, the plaintiff has also sought directions to defendant no.1 to provide the details of all the assets of her father/defendant no.2 as on date. However, Chapter X Rule 2(i)(a) of Delhi High Court (Original Side) Rules clearly provides that “an interlocutory application shall contains only one prayer or one series of alternative prayers of the same kind”. However, the relief sought in prayer (b) & (c) of the captioned IA are not connected to the other prayers sought in the captioned IA. At this stage, learned counsel for the



plaintiff seeks sometime to examine the said issue.

Re-notify the matter for further report of Roshan Smriti Old Age Home/further proceedings on 22.05.2025.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 25, 2025/ab
Click here to check corrigendum, if any