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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16625/2022 & CM APPLs. 52339/2022, 52340/2022**
SMT SHANTI MALHOTRA Petitioner

Through: Mr. Pankaj Shoriha & Mr. Anand Kr.
Dwivedi, Advocates along with
Petitioner in person (M-8468940206)

versus

STATE NCT OF DELHI & ORS. Respondents

Through: Mr. Aman Naqvi, Advocate for Mr.
Shadan Farasat, ASC (GNCTD) for R-
1 & 2 along with SI Nishant Kumar,
PS Roop Nagar.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
05.12.2022

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1. This hearing has been done through hybrid mode.
2. The Petitioner is the mother of Dr. Amit Malhotra who is currently residing with his wife i.e. Respondent No. 3 and his in-law's family at 26/95, Shakti Nagar, Delhi. The present writ petition has been filed by the Petitioner - Smt. Shanti Malhotra seeking writ/ directions to ensure the care and welfare of her son who is presently in a vegetative state and is in immediate need of care and protection. According to the Petitioner he is being denied basic care and protection to him by the Respondent No.3 - Mrs. Archi Bhatia.
3. The case of the Petitioner is that her son is a qualified doctor and used to work at Balaji Hospital, Kangra, Himachal Pradesh. In January, 2021, the Petitioner's son was found with severe head injuries on the roadside at Kangra and later suffered a cardiac arrest resulting in him to be in a semi-comatose



condition which continues till date. Thereafter, the Petitioner's son is stated to have been treated at Medanta Hospital, Gurugram, Fortis Hospital, Delhi as also the other hospitals. The Petitioner's son is currently living with his wife and in-law's family since April 2021 and, since then his siblings and parents are not being allowed to meet him.

4. Thereafter, repeated complaints are stated to have been filed by the Petitioner with the concerned police authorities. Subsequently, the Petitioner also filed criminal writ petition being **W.P.(Crml.) 2224/2021** titled **Ram Lal Malhotra & Anr. v. Govt. of NCT of Delhi & Ors**, wherein vide order dated 25th November, 2021, the Id. Division Bench of this Court allowed the Petitioner and her husband to meet their son at the residence of Respondent No.3. The relevant part of the order dated 25th November, 2021 is as under:

“The petitioners in the present habeas corpus petition limit the relief in these proceedings to a direction to Dr. Archi Bhatia, their daughter-in-law, to permit the former to visit their son, Dr. Amit Malhotra at House No.26/95Shakti Nagar, Delhi for 02 hours between 02.00 p.m. and 04.00 p.m. today. Dr. Archi Bhatia, respondent No.2, who has appeared before us along with her husband, Dr. Amit Malhotra, through video-conferencing states that she has no objection if the parents of her ailing husband come and visit him, subject however to the meeting taking place in the presence of a responsible third-party.

In this view of the matter, the present habeas corpus petition is disposed of by permitting Sh. Ram Lal Malhotra and Smt. Shanti Malhotra, the petitioners to visit Dr. Amit Malhotra, their ailing son, at the address mentioned hereinabove between 02.00 p.m. and 04.00 p.m. today; and directing that the meeting will take place in the presence of W/S.I. Shashi from P.S: Roop



Nagar to ensure that it goes through in a cordial manner.”

5. Today, it is submitted by the Petitioner who appears in person, that after the aforementioned order, the meeting of the Petitioner and her husband with their son - Dr. Amit Malhotra was held. However, the said meeting was held in the presence of Respondent No.3 and her relatives, thus the meeting was not an effective meeting and the same was not in a cordial atmosphere. Subsequently, the Petitioner's daughter was also not allowed to meet her brother Dr. Amit Malhotra.

6. It is prayed by the Petitioner that permission be granted to her along with her family members including her husband and two daughters to visit Dr. Amit Malhotra with medical and police supervision and the meeting be held in a cordial atmosphere. It is also prayed by the Petitioner that the Respondent No. 2 - GNCTD be directed to provide medical facilities and medical examination for Dr. Amit Malhotra. Lastly, the medical records of Dr. Amit Malhotra are prayed for.

7. Considering the nature of the matter, issue notice to Respondent No.3 through Sub. Inspector Nishant Kaushal, Delhi Police who is present today in Court.

8. Ld. counsel for the GNCTD shall find out if a local doctor can conduct a medical examination of Dr. Amit Malhotra and file a status report before the Court.

9. List on 6th December, 2022 at 2:30 p.m.

PRATHIBA M. SINGH, J

DECEMBER 5, 2022/Rahul/KJ