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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16625/2022 and CM APPL. 52339/2022**

SMT SHANTI MALHOTRA

..... Petitioner

Through: Mr. Chander Prabha, Mr. Anand Kr.
Dwivedi & Mr. Kunak Lata Tripathi,
Advocates. (M:8468940206)

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr Aman Naqvi and Ms Mreganka
Kukreja, for Shadan Farasat, ASC,
GNCTD.(M:7049007766)
Insp. Raj Malik, P.S. Roop Nagar.
(M:9911929999)
Dr. Sarabji Sharma, Adv. for R-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **24.01.2023**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioner- Smt. Shanti Malhotra seeking directions to the Respondents to provide care and treatment to the son of the Petitioner- Mr. Amit Malhotra, who is currently in vegetative state, to enable him to live his life with respect and dignity.
3. Mr. Amit Malhotra is currently living with his wife, i.e., Respondent No.3. It is the allegation of the Petitioner that her son is being denied basic care & protection and no access is being provided to the Petitioner to her son.
4. Vide order dated 6th December, 2022, the Court had passed the following direction:



“8. Accordingly, considering that the Petitioner has been unable to meet her own son, despite repeated Court orders and police assistance and her son is facing such dire medical issues, the following directions are issued:

(i) The Petitioner shall visit Respondent No.3's premises at House No.26/95, Shakti Nagar, Delhi and is permitted to meet her son - Dr. Amit Malhotra at the said residence, in the presence of the two police officials named above and the two medical practitioners from Hindu Rao Hospital, including a psychiatrist and a general physician. The Petitioner may be accompanied by one other person from the family. No other person shall be present except an attendant, if required, at the said time.

(ii) The said meeting is fixed for **8th December, 2022, at 11:30 a.m.**, for an effective period of at least 2 hours.

(iii) On the said date, the Petitioner, along with one other person, may visit the police station at Roop Nagar from where she would be accompanied by two medical practitioners and the two police personnel.

(iv) The medical practitioners shall assess the medical condition i.e., physical and mental health of Dr. Amit Malhotra and submit a report to the Court in this regard. The said report would also consider the living conditions of Dr. Amit Malhotra, and the quality of medical facilities being provided to him at present. Copies of the latest medical records/ prescriptions shall also be collected by them and placed before the Court. Let a comprehensive report by the Practitioners, be filed within two weeks from the visit.



(v) If the Petitioner wishes to meet her son thereafter, she would be permitted to do so along with the same two police personnel at a convenient date, at least two more times, by the next date of hearing. The SHO of the concerned area shall also file a status report relating to all the meetings, at least one week before the next date of hearing.

(iv) It is directed that no impediment or obstruction shall be caused by Respondent No.3 or any of her family members in the Petitioner meeting her son.”

5. The matter was mentioned in the morning and the Court had directed the parties to meet in the Court premises. The matter was then passed over.

6. Dr. Sarabjit Sharma, ld. counsel has appeared for Respondent No.3- Mrs. Archi Bhatia and submits that the mother- Ms. Malhotra has met her son- Mr. Amit Malhotra who are both present in Court as well.

7. Moreover, as an interim arrangement, ld. Counsels submit that it has been agreed between the parties that the Petitioner shall meet her son-Mr. Amit Malhotra in the High Court premises including in the Mediation Centre once a month.

8. Accordingly, the parties shall meet each other once in the month of February and once in the month of March on a mutually convenient date, in the High Court premises.

9. List on 13th April, 2023.

PRATHIBA M. SINGH, J.

JANUARY 24, 2023/dj/sk