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

+ **CS(OS) 759/2024**

**RAJEEV GUPTA**

..... Plaintiff

Through: Mr. Rahul Raj Mishra, Adv.  
(appeared through VC).

versus

**MR SANJAY GUPTA AND ANOTHER**

..... Defendant

Through: Mr. Akshay Chitkara & Mr.  
Rishabh Tomar, Advs. for  
applicant in IA No.44087/2024

**CORAM:**

**JOINT REGISTRAR (JUDICIAL) SH. MANISH  
SHARMA, (DHJS)**

**ORDER**

**28.11.2024**

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**I.A.No.44087/2024 [under Order XXXII Rule 3 r/w  
Section 15 & 151 CPC filed on behalf of Mrs. Shubhi  
Gupta Wife of Sanjay Gupta (defendant no.1) to  
appoint the applicant as Guardian-ad-litem of  
defendant no.1]**

1. Learned counsel for plaintiff accepts notice of the captioned IA and submits that he has no objection, if the captioned IA is allowed.
2. It is averred in the captioned IA that the defendant no.1/Mr. Sanjay Gupta is of unsound mind and is suffering from Bipolar Affective Disorder in Mania with Alcohol abuse and Dementia for over last 20 years. It is further averred that treatment of defendant no.1 is going on in various hospitals including



VIMHANS (Vidyasagar Institute of Mental Health and Neurosciences), Delhi and Tulasi Psychiatric Centre, Delhi. It is further averred that defendant no.1 is under treatment of Dr. Deepak Raheja. Copies of the medical prescriptions have also been filed along with the captioned IA.

3. It is averred that the plaintiff is aware about the medical condition of defendant no.1 and even the defendant no.1 has received summons of the suit wherein it is mentioned as “Mr. Sanjay Gupta C/o Mrs. Surbhi Gupta”. It is further averred that due to the aforesaid medical condition of defendant no.1, he is not able to defend his case. Accordingly, the present application has been moved with the prayer to appoint Mrs. Surbhi Gupta, wife of defendant no.1 as his Guardian-ad-litem.
4. Heard. Record perused.
5. In view of the averments made in the captioned IA and also in view of the no objection furnished by learned counsel for the plaintiff and also in view of the fact that it is not disputed that Mrs. Surbhi Gupta, wife of defendant no.1 has no adverse interest as that of defendant no.1, the captioned IA is allowed. Mrs. Surbhi Gupta, wife of defendant no.1 is appointed as Guardian-ad-litem of defendant no.1 to look after the interest of defendant no.1 in the present suit.
6. IA stands disposed of.

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7. As per office note, service report of the summons issued to the defendant no.1 received back unserved with the report ‘no such person’. However, an



application filed on behalf of wife of defendant no.1 for appointment as Guardian-ad-litem has been allowed today.

8. Defendant no.2 has been served.
9. Defendants are directed to file written statement and affidavit of admission/denial of documents within stipulated period with advance copy to the opposite side.
10. Replication and affidavit of admission/denial of documents be filed by the plaintiff within four weeks thereafter.
11. Re-notify the matter for completion of pleadings and admission/denial of documents on **22<sup>nd</sup> January, 2025.**

**MANISH SHARMA, (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**  
**NOVEMBER 28, 2024/nk**  
*Click here to check corrigendum, if any*