



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-38500-2025

Date of Decision: 24.03.2026

NEERU KAKKAR

...Petitioner

Versus

UNION OF INDIA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Suneet Pal Singh Aulakh, Advocate and
Mr. Divij Munjal, Advocate for petitioner

Mr. Dheeraj Jain, Senior Advocate with
Mr. Arshad Ali, Advocate
For respondent No.1 - U.O.I.

Mr. Arun Jindal, Additional Advocate General, Punjab

Mr. Prabhdeep Singh Toor, Advocate
For respondent Nos.4 & 5

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent Nos.1 & 3 to declare her legal guardian of her husband namely Mr. Ashok Kumar who is in vegetative state since 07.08.2023.

2. The petitioner claims that her husband met with an accident. He is in vegetative state since 07.08.2023 and she may be allowed to act as guardian of her husband.



3. On 22.12.2025, the following order was passed:-

“Counsel for the petitioner states that petitioner is the spouse of Ashok Kumar, who met with a vehicular accident on 07.08.2023 and is in a vegetative state as is evident to medical certificate, Annexure P2, issued by Dr. Deepender Singh, Director, Neurology, SPS Hospitals, Ludhiana. Counsel has made a reference to judgment dated 10.05.2024 passed by a Coordinate Bench of this Court in CWP-1391-2024 to assert that petitioner deserves to be declared as guardian of her spouse.

Issue notice of motion to the respondents.

Mr. Arshad Ali, Central Government Counsel, who is assisting Mr. Dheeraj Jain, Senior Advocate/Senior Panel Counsel, Union of India, accepts notice on behalf of respondent No.1.

On asking of Court, Mr. Siddharth Sandhu, AAG, Punjab, accepts notice on behalf of respondents No.2 and 3.

Mr.Amandeep Singh Sidhu, Advocate has put in appearance on behalf of respondents No.4 and 5 and has filed vakalatnama, which is taken on record. He states that respondents No.4 and 5 are children of Ashok Kumar and they do not have any objection in case the prayer made in the petition is acceded to.

Mr. Dheeraj Jain, learned Senior counsel – UOI has invited the attention of the Court to the guidelines laid down by the Allahabad High Court in Uma Mittal and others Versus Union of India and others, 2020 SCC OnLine All 777. He states that the person lying in comatose state has to be examined by a medical board, which should include a Neurologist and petitioner is required to disclose the details of the assets and liabilities of Ashok Kumar.

List on 24.02.2026.

Let the petitioner shall place on record the details of assets and liabilities of Ashok Kumar. Legible copy of the medical certificate, Annexure P2, be also filed before the adjourned date.



In the meanwhile, respondents No.2 and 3 are directed to constitute a medical board, which shall include Neurologist to examine Ashok Kumar and submit a report.

Copy of the petition be supplied to the State counsel during the course of the day. ”

4. Learned State counsel submits that a Medical Board constituted by competent authority has examined Mr. Ashok Kumar and come to a conclusion that he is in vegetative state.

5. Learned counsel for respondent-U.O.I. does not oppose petitioner's prayer.

6. Learned counsel for respondent Nos.4 & 5 submits that he has no objection to aforesaid prayer of the petitioner. It is apt to notice that respondent No.4 & 5 are sons of petitioner.

7. From the statements of all the stakeholders, it is evident that parties have complied with directions issued by this Court in ***Surekha Vs. Axis Bank & Ors.***, 2025 SCC OnLine P&H 3402.

8. The petition deserves to be allowed and accordingly allowed.

9. The petitioner is hereby appointed guardian of her husband qua following assets/properties/Bank Accounts:-

i. Accont No. 50100565278281 having balance 0 as on 10.01.2026 in HDFC Bank, Railway Station road, Doraha, Punjab and

ii. Account Number 05972010029370 having 0 balance as on 04.11.2025 in Punjab National Bank, Doraha, District Ludhiana.

iii. Motorcycle registered in his name bearing Registration No. PB-10-JC-7484, make Hero Motors, Model HF Deluxe of Black Colour, registered on 16.06.2023.

iv. Gold Loan Account having Loan Account No. 73926800, HDFC Bank, Branch:- 1382 Doraha Distt. Ludhiana, which is still



subsisting and is nearing maturity. The Gold Ornaments kept as Collateral are **(a)**. A Gold Necklace of Net weight 15.100 gms, **(b)**. 4 Rings of Net Weight 22.500 gms, **(c)**. 4 Ear Rings of Net Weight 16.300 gms, **(d)**. Three Gold Chains of Net Weight 10.000 gms. Total Net weight 63.9 grams. It is not out of place to mention here that the gold is Istridhan of the Deponent and was given as surety in good faith for the welfare of family.

10. The petitioner as undertaken shall comply with other directions of this Court as enumerated in *Surekha (Supra)*.

(JAGMOHAN BANSAL)
JUDGE

24.03.2026
SDK

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No