

ITEM NO.36

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.165/2022

PUSHPA TIWARY & ANR.

Petitioner(s)

VERSUS

THE COMMISSIONER OF POLICE DELHI POLICE & ORS.

Respondent(s)

(With IA No.35242/2022-EXEMPTION FROM FILING O.T. and IA No.35248/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 12-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Manish Kumar Saran, AOR
Mr. Satya P. Sharan, Adv.
Mr. Yash P. Sharan, Adv.

For Respondent(s) Mr. Vikramjit Banerjee, ASG
Ms. Suhasinin Sen, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. P.V. Yogeswaran, Adv.
Mr. Navanjay Mohapatra, Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Shruti Agarwal, Adv.
Mr. Nring Chambiwo Zehiang, Adv.
Mr. Shiram Singhania, Adv.
Ms. Janhvi Prakash, Adv.
Mr. Prashant Rawat, Adv.
Mr. Kartik Dey, Adv.

For R-4

Mr. Bhargava V. Desai, AOR
Mr. Kapil Kher, Adv.
Mr. Kunal Kher, Adv.
Mr. Sunil Murarka, Adv.

Dr. Menaka Guruswamy, Sr. Adv.
Mr. Soayib Qureshi, AOR
Mr. Yash Vijay, Adv.
Mr. Pranav Sarthi, Adv.
Ms. Dilsheen Kaur, Adv.
Mr. Harpreet Singh, Adv.

For R-6, 7 & 8

Mr. Ambhoj Kumar Sinha, AOR
Mr. Manish Kumar, AOR
Mr. Hamza Tariq, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The jurisdiction of this Court under Article 32 of the Constitution was invoked by the petitioners, who are daughters of Smt Vaidehi Singh.
- 2 Smt Vaidehi Singh is 88 years old and was residing with the fifth respondent, her elder son in Muzaffarpur. The petitioners had a serious apprehension that the health of the mother was deteriorating. There were serious allegations about the mother being made to sign property documents though she is suffering from dementia.
- 3 The petition was heard by this Court on several dates of hearing. On 18 April 2022, this Court directed that the mother of the parties be examined by a Medical Board to be constituted by the Director of Medanta Hospital, Patna. On 13 May 2022, this Court had before it the medical report which indicated that Smt Vaidehi Singh is suffering from advanced dementia and was found to have no comprehension either on verbal or physical cues. The Court noticed that despite this, it appeared that the fifth respondent had proceeded

to deal in her properties by seeking her presence as a confirming party to the execution of certain sale deeds. Pending further orders, there was a direction that no further transactions in respect of the properties, movable or immovable, of Smt Vaidehi Singh shall take place. At that stage, the petitioners had indicated that they had looked after their mother in the past until the lock down and were ready to provide care to her.

4 On 24 May 2022, the following directions were issued by this Court:

“(i) The petitioners shall arrange for an air ambulance for the transportation of their mother from Patna/ Darbhanga to Delhi. The transportation of the mother from Muzaffarpur to Patna/Darbhanga for the purpose of the onward journey by air ambulance shall also be arranged by the petitioners;

(ii) The petitioners undertake to this Court that:

(a) Their mother shall reside with the second petitioner at her residence at Noida;

(b) The petitioners shall take all necessary steps to ensure the welfare of the mother, including attending to her medical and other requirements; and

(iii) The petitioners shall intimate the fifth respondent of the date on which they propose to shift the mother from Muzaffarpur to Noida, preferably two days in advance before her departure from Muzaffarpur.”

5 In pursuance of the above directions, Smt Vaidehi Singh was transported from Muzaffarpur to Darbhanga and onwards by air ambulance to Delhi. She

is presently residing with the second petitioner at her residential home in Noida. The Court has been apprised of the fact that immediately after the mother of the petitioners was brought to Delhi on 26 May 2022, she was hospitalized at Fortis Hospital, Noida between 26 and 30 May 2022. Thereafter, it has been stated that she was treated by the doctors at Indraprastha Apollo Hospital, Delhi. Currently Smt Vaidehi Singh is residing with the second petitioner. Both the petitioners, who are her daughters, undertake to provide all necessary medical care and to maintain her in a condition befitting her dignity.

- 6 There is some grievance on the part of the fifth respondent, which has been urged by Dr Maneka Guruswamy, senior counsel to the effect that the fifth respondent and his spouse were not permitted to meet the mother despite the agreement which was recorded in the order of this Court dated 24 May 2022.
- 7 To obviate any further controversy, we record the undertaking of the petitioners that the petitioners would be ready and willing to allow any of their siblings together with their spouses and grand-children to meet Smt Vaidehi Singh with advance notice of two days. The proposed visit of the family members may be communicated to either of the petitioners on email or telephone. The present arrangement would be in the best interest of the welfare of the aged mother. The petitioners on their part have also agreed that no transactions in any of her properties shall be carried out. No transactions in the properties of Smt Vaidehi Singh shall be carried out.
- 8 It has been agreed that initially the fifth respondent and his spouse and children would be visiting their mother at the residence of the second petitioner in the next two weeks with advance notice of forty-eight hours. The petitioners have undertaken to facilitate the meeting of the fifth respondent with his mother.

- 9 The Petition for *habeas corpus* shall accordingly stand disposed of.
- 10 Liberty is granted to the parties to apply in the event of any difficulty in future.
- 11 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master