

Saroj Kumari Gupta vs Anita Kumar & Ors on 27 February, 2019

Author: Manmohan

Bench: Manmohan

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 2104/2013 & CrL.M.A.445/2015, I.A.Nos.603/2015,
11224/2017

SAROJ KUMARI GUPTA

..... Plaintiff

Through None

versus

ANITA KUMAR & ORS

..... Defendants

Through

Mr.Harsh Ahuja with Mr.Praveen
Singh, Advocates for D-1.
Mr.Kirti Uppal, Sr.Advocate with
Ms.Akanksha Jain, Advocate for D-4
& 5.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN
ORDER

% 27.02.2019 Present application has been filed under Section 152 CPC for correction of the order dated 19th November, 2018.

The order dated 19th November, 2018 shall now read as under:-

"Learned counsel for defendants No.1 to 3 in CS(OS) 2104/2013 states that even at the time the present suit was filed i.e. 26th October, 2013, the plaintiff was not in a sound state of mind.

Along with Section 340 Cr.P.C. application being CrL.M.A. 445/2015, the defendant No.1 has placed on record the Out Patients Ticket of the plaintiff issued by the doctor of dispensary run by the Directorate of Health Services, Government of Delhi, dated 19th October, 2013, which records under the heading „Diagnosis: Dementia . On 17th August, 2017, this Court had directed plaintiff to be personally present in Court for examination under Order 10 CPC. Thereafter, I.A. 11224/2017 was filed by defendant No.5 under Order 32 Rule 14 CPC for being appointed as a lawful guardian of the plaintiff.

In the opinion of this Court, if the plaintiff was suffering from „Dementia on the date the plaint was filed, the defendant No.5 cannot today seek appointment as a lawful guardian on the ground that plaintiff s condition had deteriorated only in

April-May, 2016.

This Court directs the Doctor who had issued the Out Patients Ticket dated 19th October, 2013, to be personally present in Court on the next date of hearing. Since the Doctor's name is not mentioned on the Out Patients Ticket nor is the name of the dispensary comprehensible, let a copy of this order along with a copy of the Out Patients Ticket be served upon the Directorate of Health Services, Government of Delhi, by the defendant no.1 within ten days.

The defendant no.1 in CS(OS) 2104/2013 is directed to file a draft questionnaire four weeks prior to the next date of hearing."

Accordingly, the present application stands disposed of.

The parties other than the plaintiff as well as the concerned doctor are directed to be personally present in Court on the next date of hearing.

List on 08th May, 2019.

MANMOHAN, J FEBRUARY 27, 2019/KA