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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5294/2026**

Date of decision: **20.04.2026**

IN THE MATTER OF:

GURPREET KAUR MAINI

.....Petitioner

Through: Mr. Tushar Agarwal and Mr. Arun
Kumar, Advs

versus

GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sameer Vashisht, SC for GNCTD
with Mr. Aryaman Vachher, Adv.
R-3 in person.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

CM APPL. 25975/2026 & CM APPL. 25976/2026

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. The instant petition has been filed seeking following reliefs:

"I. Issue an appropriate writ in the form of order/direction directing the Principal District & Sessions Judge, South, Saket Court, Delhi to accept the medical report of Shri Jivtesh Singh Maini issued by his regular private medical practitioner, in compliance of the order dated 31.05.2024 in MHA no. 01/2024; or



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II. Issue an appropriate writ in the form of order/direction directing the Principal District & Sessions Judge, South, Saket Court, Delhi to modify the order dated 31.05.2024 in MHA no.1/2024 to the extent of allowing the submission of medical report of Shri Jivtesh Singh Maini issued by his regular private medical practitioner; or

III. Issue an appropriate writ in the form of order/direction directing the director of Institute of Human Behaviour & Allied Science(IHBAS) to appoint/designate a doctor to visit and examine Shri Jivtesh Singh Maini once in every three months at his residence and issue a medical report about medical condition of Shri Jivtesh Singh Maini for the purpose of 35 submission before the court in compliance of the order dated 31.05.2024 in MHA no. 01/2024; or

IV. Pass any other order/direction that this hon'ble court may deem fit in the interest of justice."

4. The petition assails the insistence of Ld. Principal District & Sessions Judge, South, Saket Courts, directing for submission of the periodic medical reports from the Institute of Human Behaviour & Allied Sciences (**hereinafter "IHBAS"**) through physical production of the patient, despite his grave medical condition.

5. The petitioner is the wife of Sh. Jivtesh Singh Maini. Respondent nos. 3 and 4 are their sons.

6. Mr. Jivtesh Singh Maini (patient) is a 78-year-old suffering from advanced vascular dementia, irreversible Alzheimer's disease, Normal Pressure Hydrocephalus (post-VP shunt), recurrent seizures, and severe cognitive and physical impairment. His condition is chronic, degenerative, and irreversible, rendering him wheelchair-bound, immunocompromised, and fully dependent.

7. The Ld. Principal District & Sessions Judge *vide* order dated 31.05.2024, appointed the petitioner as guardian under Section 14 of the Rights of Persons with Disabilities Act, 2016 (**hereinafter "RPWD"**) and



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directed submission of medical status reports of the patient every three months. The petitioner since then claims to have consistently complied with the directions.

8. It is the case of the petitioner that the reports of the treating physician were accepted without any objection. The report of the IHBAS clearly declares the patient “unfit to stand trial” and accordingly the patient was granted permanent exemption from his physical appearance by the Ld. Special Court, CBI, Rouse Avenue on 11.08.2025.

9. The petitioner, thus submits that *vide* order dated 05.01.2026, the reports issued by the treating private medical practitioner has been refused to be accepted and it has been insisted that the petitioner to produce a report from IHBAS for periodic assessment. The petitioner thus contends that impugned insistence is medically unsafe and disproportionate and contrary to constitutional guarantees and the legislative mandate under the RWPD Act.

10. Mr. Sameer Vashisht, learned counsel appearing on behalf of respondent no. 1 has pointed out that this Court in FAO 87/2026 is considering almost similar grievance where the issue of providing total support or temporary in the subject matter of the adjudication. He submits that Sub-Section 1 and 2(b) of Section 101 of the RWPD Act, empowers the State Government to make rules for providing limited guardianship Sub-Section 1 of Section 14 of the RWPD Act, however, there are no rules made for providing of total support.

11. If the first proviso of Section 14 of the RWPD Act is considered in the right perspective, it would indicate that the District Court or the designated authority as the case may be, may grant total support to the person with



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disability acquiring such support or where the limited guardianship is to be granted repeatedly in which case the decision regarding the support to be provided shall be reviewed by the Court or the designated authority as the case may be to determine the nature and manner of support to be provided.

12. It is, thus, seen that there is no embargo under the provisions of the RWPD Act to consider granting total support to the person with disability requiring such support.

13. The absence of the rules would not be the sole factor for the concerned authority, not to exercise the statutory power. This position has been clarified by the Supreme Court in the case of *Orissa State (Prevention & Control of Pollution) Board v. Orient Paper Mills¹*.

14. In view of the aforesaid, let the petitioner to approach the concerned district judge for authorization of grant of total support to a person with disability i.e., the patient in the instant case.

15. Till the concerned district judge takes a final view, insistence for IHBAS report shall stand dispensed with and the report of the patient's treating doctor should suffice the purpose.

16. With the aforesaid observations, the instant petition stands disposed of.

17. Order *Dasti*.

**(PURUSHAINDR KUMAR KAURAV)
JUDGE**

APRIL 20, 2026/SH

¹(2003) 10 SCC 421.