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

*Date of decision: 19.11.2025*

+ FAO 576/2016

GURPREET KAUR TALWAR .....Appellant

Through: Mr. Siddarth Agarwal, Advocate.

versus

STATE & ORS .....Respondents

Through: Appearance not given.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**JUDGMENT (ORAL)**

**TUSHAR RAO GEDELA, J.**

1. Learned counsel for the parties are *ad idem* that the issue raised in the present appeal is no more *res integra* in view of the judgment of a Co-ordinate Bench of this Court in *Vandana Tyagi and Anr. Versus Government of National Capital Territory of Delhi (GNCTD) and Ors.*, bearing W.P.(C) No. 11003/2019 pronounced on 07.01.2020. The said judgment is taken on record.
2. Learned counsel points out to paragraph 36 of the aforesaid judgment to submit that the guidelines, as sought in the present appeal, have been succinctly laid down in the said paragraph.
3. It would be apposite to extract the said paragraph hereunder:-



**“36. Guidelines**

*(i) A person(s) who seek(s) to be appointed as guardians vis-à-vis an individual, who is lying in comatose state, shall in their petition to the court disclose the details of all tangible and intangible assets of such an individual. The details as to their location and approximate market value shall also be disclosed. In case of bank accounts, stocks, shares, and debentures and other investments are concerned, material particulars will be provided.*

*(ii) The court will have the person lying in comatose examined by a duly constituted medical board which would include, inter alia, a neurologist.*

*(iii) The court will also direct the concerned SDM/Tehsildar in whose jurisdiction the person lying in comatose is said to be located to carry out an enquiry to establish the veracity of the assertion and to gather material particulars concerning the person(s) who approach the court for being appointed as guardians. The enquiry will, inter alia, gather information as regards the relationship that the person(s) who wish to be appointed as guardians has/have with the person lying in comatose state. Information with regard to the financial condition of persons wanting to be appointed as guardians shall also be collected apart from other aspects which may have a material bearing in their discharging the duties of a guardian. Any conflict of interest concerning the affairs of the person lying in comatose state will be brought to fore in the report generated during the course of the enquiry.*

*(iv) Ordinarily only that person will be appointed as guardian who is a spouse or a progeny of the person lying in comatose. The person seeking appointment as a guardian in his petition to the court will, however, disclose the particulars of all legal heirs of the person lying in comatose. In the event, the person lying in comatose has neither a spouse nor any children or even any legal heirs or if he/she has such persons in his life but stands*



*abandoned by them subject to the permission of the court his next friend who wishes to be appointed as a guardian can approach the court with such a request. In the alternative, the Court could direct the Department of Social Welfare, GNCTD to appoint a public official such as a Social Welfare Officer or a person holding equivalent rank to act as the guardian of the person lying in comatose state.*

*(v) Only that person shall be appointed as a guardian who is otherwise in law competent to act as a guardian.*

*(vi) The order directing appointment of a guardian shall specify the assets qua which the guardianship order is passed. The court will be empowered to modify the order and bring within its sweep other assets, if required, in the interest of the person lying in comatose state. In case liquid funds are not available and there is a requirement to sell the assets of the person lying in comatose state, upon the guardian approaching the court, necessary directions could be passed in that behalf.*

*(vii) The person appointed as a guardian will file every six (6) months (or within such period as the court may indicate in its order) a report with the Registrar General of this court. The report shall advert to the transactions undertaken by the guardian in respect of the assets of the person lying in comatose state. Besides this, the report shall also indicate the funds, if any, received by the guardian and their utilization for the purposes of maintaining the person lying in comatose state.*

*(viii) The Registrar General of this court will cause a separate register to be maintained which will set out inter alia the details of the proceedings, the particulars of the person appointed as a guardian and orders, if any, passed after the appointment of the guardian. Measures will also be taken by the Registrar General to preserve the reports filed by the guardian from time to time.*

*(ix) It will be open to the court to appoint a guardian either temporarily or for a limited period, as may be deemed fit.*

*(x) In the event, the guardian appointed by the court misuses*



*his/her power or misappropriates, siphons or misutilizes the assets of the person lying in comatose state or fails to utilize the assets in the best interest of the person lying in comatose state, the court would have the power to remove the guardian and appoint another person in his/her place. The substituted person could also be a public officer such as a Social Welfare Officer or an officer holding an equivalent rank.*

*(xi) The guardian appointed by the court shall intimate his appointment to the public official/Social Welfare Officer or officer of an equivalent rank designated by GNCTD. Both the guardian as well as the Registrar General of this court will cause a copy of the order of guardianship being served upon such officer. Such officer shall visit the person lying in comatose at least once in every quarter. The Social Welfare Officer will generate a report of his visit. In case the Social Welfare Officer finds that the guardian appointed by the court is not acting in the best interest of the person lying in comatose state, he will move the court, at the earliest, for seeking appropriate directions.*

*(xii) The guardian appointed by the court will ensure that the transactions entered into by him or her comport with the relevant provisions of the law.*

*(xiii) In case a relative or a next friend of the person lying in comatose state finds that the guardian is not acting in the best interest of the person lying in comatose state, such person will also have the locus to approach the court for issuance of appropriate directions and/or for removal of the guardian.*

*(xiv) In case, the guardian wishes to move the person lying in comatose state to another state or even to another country for the purposes of securing better medical treatment for the person lying in comatose state, he/she would approach the court for necessary permission before undertaking such an exercise.”*

4. Learned counsel for the appellant states that the grievances of the appellant are sufficiently answered by the Guidelines so prescribed by this Court in *Vandana Tyagi* (supra).



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5. In view of the aforesaid, nothing survives further for adjudication and the present appeal stands disposed of without any order as to costs.

**TUSHAR RAO GEDELA  
(JUDGE)**

**NOVEMBER 11, 2025**

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