

800
9/9/19

For Uploading on Website

COURT NOTICE
(U/o 5 Rule 20 CPC)

IN THE COURT OF Sh. Praveen Kumar Lal
Additional District and Sessions Judge-IV Sirsa

Next Date, Purpose of case, Orders and Judgments as well as other
case information is available on <http://ecourts.gov.in>

SOHNA SINGH

Vs.

GENERAL PUBLIC

Application under Section 58 and 59 of the Mental Health Act, 1987 read with Order 32 Rule 15 CPC, amended up to date, for grant of permission to sell, release out, gifted away, transfer the land i.e. 16/255 share equal to 4 kanal 0 marla out of total land measuring 63 kanal 15 marla comprised in Khewat No. 321, Khatauni No. 369, kitta 10 and 125/252 share out of total land measuring 25 kanal 4 marla comprised in Khewat No. 274 khatauni No. 322 number of Kitta 5, both the lands as per jamabandi for the year 2017-18 situated in Village Dhaban, Tehsil and Distt. Sirsa owned by Inderjeet Singh s/o Sohan singh r/o House No. 90, Gali No. 3, MITC Colony, Sirsa, who is a person of unsound mind and is a mentally ill and also is a handicapped person, to the petitioner on the basis of evidence of every description - oral and docuemntary

CNR No. HRSI01-008978-2019

CASE NO. :- MHA/02/2019

Next Date:- 16-10-2019

PUBLICATION ISSUED TO:

GENERAL PUBLIC

Other :-

SIRSA

To,

THE MANAGER,
THE TRIBUNE
CHANDIGARH.

Whereas it has been proved to the satisfaction of the Court that the defendant(s)/respondent(s) above named cannot be served in the ordinary way of service. Hence, this proclamation **under order 5 Rule 20** CPC is hereby issued against him/them and should appear personally or through their counsel on **16-10-2019 at 10:00 a.m.**

Praveen Kumar Lal
Praveen Kumar Lal
7.9.19

Take notice that, in default of his/their appearance on the day before mentioned, the above said case will be heard and determined in his/their absence according to law.

Given under my hand and the seal of the Court, this **05-09-2019**.

Additional District and Sessions Judge-IV
Sirsa

[Handwritten Signature]
[Handwritten Date]
6/9/19

IN THE COURT OF DISTRICT JUDGE, SIRSA.

Sohan Singh son of Shri Harnek Singh son of Lal Singh
resident of House no.90 Gali No.3 MITC Colony, Sirsa.

...Petitioner/applicant.

Versus

General Public

...Respondent.

Application under Section 58 and 59 of The
Mental Health Act, 1987 read with Order 32 rule 15
CPC (amended upto date) for grant of permission to
sell, release out, gifted away, transfer the land
i.e.16/255 share equal to 4 Kanal 0 Marla out of
total land measuring 63 Kanal 15 Marla comprised in
Khwat No.321 Khatuni 369 number of kittas 10 and
125/252 share out of total land measuring 25 Kanal 4
Marla comprised in Khwat No.274 Khatuni No.322
number of Kittas 5, both the lands as per jamabandi
for the year 2017-2018 situated in village Dhaban,
tehsil and District Sirsa owned by Inderjit Singh son
of Sohan Singh resident of House no.90 Gali No.3 MITC
Colony, Sirsa, who is a person of unsound mind and is
a mentally ill and also is a handicapped person, to
the petitioner on the basis of evidence of every
description, oral and documentary.

RESPECTFULLY SHOWETH.

1. That the applicant is the father of above said
Inderjit Singh who is a person of unsound mind and is

Me
C
s

a mentally ill and also is a handicapped person and is lunatic and was born with diminished mental faculties. He is incapable of knowing nature of acts and cannot distinguish between the wrong and right thing. He is unable to pursue his daily chores/routines on his own and needs help of an attendant. He needs constant vigil as he cannot even manage himself. Since his birth he has been residing with the applicant and the applicant has been taking care of his personal needs/affairs. The applicant has no adverse interest against that of Inderjit Singh. The applicant is natural guardian of said Inderjit Singh as mother of Inderjit Singh and wife of applicant namely Smt. Daljit Kaur has already died and the person and property of Inderjit Singh has been under his custody. Said Inderjit Singh is a 90% mentally ill and unsound mind and is also handicapped person. Photostat copy of the disability certificate issued by Medical Superintendent Maharaja Aggarsain Medical College Agroha District Hisar is attached herewith.

2. That the date of birth of said Inderjit Singh is 10-05-1981, photostat copy of birth certificate issued by Municipal Committee, Sirsa is attached herewith.

3. That said Inderjit Singh and his brother Gurjinder Singh have inherited the land after the death of their mother Smt. Daljit Kaur.

. That the affairs of said Inderjit Singh and his property are being managed by the applicant being his father and natural guardian. The applicant has been providing food, cloths and daily use commodities to him since his birth. As stated above said Inderjit Singh is handicapped person and he is getting the pension from the Govt. and he is having joint bank account with the applicant which is being operated by the applicant, photocopy of bank passbook is attached herewith.

5. That the said Inderjit Singh is the owner of the land as fully detailed and described in the heading of the application. The agricultural land is situated in village Dhaban, tehsil and District Sirsa which is far away from Sirsa City. The applicant and said Inderjit Singh are permanently residing in MITC Colony, Sirsa and thus the land can not be managed properly. However it is submitted that Gurjinder Singh another son of the applicant i.e. brother of Inderjit Singh is also going to sell his share in the abovesaid joint land/khwat and thus also the share of said Inderjit Singh cannot be kept alone. The applicant is old aged person and the cultivation/maintenance/harvesting of the land is laborious work and this work is done by the labourer and now it is very difficult for the applicant to manage/looked after the land of said Inderjit Singh and if the land is given to tenant, it will be very

difficult for the applicant to get vacated the land from the tenant without litigation so the applicant has come to the conclusion that it is in the better interest of said Inderjit Singh to sell his land and to invest the money in Real Estate or to deposit the amount in the bank in FDR and said Inderjit Singh will get the suitable interest there from. Inderjit Singh is a person of unsound mind is unable to give his consent and thus the applicant seeks the permission from the Hon'ble Court.

6. That the land of said Inderjit Singh is being sold by the applicant at a good market price and the sale of property of unsound mind person by the applicant is a act of better management in the family. The applicant has started negotiating with other person to sell the properties of unsound mind person Inderjit Singh.

7. That the applicant undertake that he will use the sale proceed of the land of Inderjit Singh for his welfare and better medication. The applicant also undertake that he will abide by all the terms and conditions laid down by this Hon'ble Court and also undertake that he will not misuse the sale proceed of the share of said Inderjit Singh, hence the applicant seeks permission for his appointment as a guardian/manager of the person/property of unsound mind namely Inderjit Singh under the provisions of Mental Health Act, 1987.

8. That land in question is situated in village Dhaba, tehsil and District Sirsa so this Hon'ble Court has got the jurisdiction to entertain and try the present petition/application.

9. That proper court fee has been affixed with the petition/application.

It is, therefore, prayed that the application of the applicant may kindly be accepted as prayed for and the necessary permission may kindly be granted to the applicant to sell the land of above said Inderjit Singh as fully detailed and described in the heading of application and the applicant may kindly be appointed as manager regarding the property of said Inderjit Singh. Any other relief which this Hon'ble Court may deem fit and proper under the facts and circumstances may also kindly be granted in favour of the petitioner.

SIRSA/

- Submitted by -

Sohan Singh son of Shri Harnek Singh
son of Lal Singh resident of House
no.90 Gali No.3 MITC Colony, Sirsa.

...Petitioner/applicant.

THROUGH: RAJ KUMAR GARG ADVOCATE,

SIRSA.

VERIFICATION. Verified that contents of para nos.1 to 9 and prayer para of the application are true and correct to the best of my knowledge and belief and rest of the paras are believed to be correct on the basis of legal information.

SIRSA/

....Applicant.

