

\$~10 & 11

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

+ CONT.CAS(C) 460/2020

SAUMYA SHUBHAM & ANR. Petitioners

versus

UTSAV KUMAR Respondent

+ CRL.REV.P. 282/2020

SAUMYA SHUBHAM & ANR. Petitioners

versus

UTSAV KUMAR Respondent

Through: Mr. Rajiv Bajaj, Adv. with petitioner
in person.

Ms. Preeti Singh, Mr. Sunklan Porwal
and Mr. Deepak Verma, Advs. for
respondent with respondent in person.

Mr. Chetan Sharma, ASG with Mr.
Amit Gupta, Mr. Vinay Yadav, Mr.
Akshay Gadeock, Mr. Sahaj Garg and
Mr. R. Venkat Prabhat for UOI.

Mr. Gaurang Kanth, SC for UOI.

Mr. Satyakam, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **04.03.2021**

The hearing was conducted through physical court.

1. The respondent/husband/father has paid monies in terms of the previous directions, albeit only as of yesterday. He is in default of Rs.60,000/-, which he undertakes to pay by 18.03.2021, along with the instalment for the month of March 2021. He further undertakes to pay regular maintenance amounts, in terms of the directions issued by the learned Family Court. The undertaking is accepted.
2. The mother states that, in compliance of directions of this Court, while the Government of NCT of Delhi ('GNCTD') is assisting in the treatment of her daughter, now 5 years old, who has been afflicted with one of the rarest diseases recorded in human history i.e. 2 persons in 1.3 billion, some more immediate assistance is required such as a portable ventilator, tubes and filters, etc.
3. The court is of the view, that looking at the unprecedented nature of affliction and the uniqueness of the case, the GNCTD should consider the mother's request compassionately and supply the requisite medical equipment to the mother before the next date Mr. Satyakam, the learned ASC for the GNCTD, who is present in the virtual Court proceedings, has been directed to accept notice. E-copies of the petitions have been served upon him during the course of the proceedings.
4. The mother further submits that there is some hope for treatment of her child in the United States of America, where ameliorative treatment have been administered to some patients similarly afflicted. The treatment involves multiple operations on the brain, over a period of 6 months but for medical reasons, it can be performed only upon a person over 7 years of age. The expense in

this regard would run into crores of rupees, which the mother cannot afford. She submits that the child has been responding well to the care and treatment given to her, courtesy the Governemnt of Delhi (GNCTD). The child responds to her mother, to her grandmother and a few other persons whom she recognises, her physical health also has improved. Nevertheless, she has to be kept on a ventilator for approximately 10 to 12 hours a day. For this purpose, a trained nurse has been engaged. The cost of her services exceeded Rs.50,000/- per month during the pandemic related lockdown. In terms of the court's earlier order of August 2018, GNCTD pays Rs.12,000/- per month, for the services of the private nurse. The mother is not in a position to meet this recurring expense. Let the GNCTD look into reimbursement or direct payment of the revised and enhanced service charges for such nursing services.

5. As regards the treatment of the child in the USA, the Court considers it appropriate that the Government of India look into the matter and consider this rare case for treatment of its most needy citizen. Mr. Chetan Sharma, the learned ASG, has been requested to assist the Court in this regard.
6. Issue notice. Mr. Gaurang Kanth, the learned Standing Counsel for the Central Government, accepts notice. E-copies of the petitions be served upon him during the course of the day. Let an appropriate response of the Government of India be filed before the next date.
7. The father would like to see and/or meet his daughter. The mother

has no objection to it. Let the same be arranged in the course of the day, and as frequently as possible thereafter. The learned counsel for the parties submit that they will co-ordinate and facilitate the meetings.

8. List on 06.04.2021.
9. The order be uploaded on the website forthwith.

MARCH 4, 2021

AB

NAJMI WAZIRI, J