



2026:AHC-LKO:41940-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 5648 of 2026

Urmila Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Stamp And Registration
Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Suresh Chandra Tiwari, Ashok Kumar, Shilpi Tiwari
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

**HON'BLE PANKAJ BHATIA, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State respondents.

2. The present petition has been filed by the petitioner, who is the wife stating that the husband of the petitioner is in a very serious condition and they have no expenses for treatment. Several medical prescriptions showing the pitiable condition of the husband of the petitioner are on record which demonstrates that the husband of the petitioner requires urgent and expensive treatment.

3. The Petitioner seeks permission of this Court, to sell the land owned by her husband, to meet the treatment expenses. Reliance has been placed upon the Division Bench judgment of this Court passed in ***Writ C No.26406 of 2026 dated 06.10.2023 (Pooja Sharma vs. State of U.P. & ors)*** wherein, the Division Bench of this Court has considered all the facts covering the issue, as has been raised in the present writ petition, has issued directions appointing, the wife as guardian for selling the property of the husband. The directions given by the Division Bench are contained as under :-

"55. Thus, on a perusal of the medical report of husband of the petitioner and various decisions of other High Courts as well as this Court, it is clear that a constraint Court may act as Parens Patriae so as to meet the ends of justice. The guidelines laid down by various Courts in identical matters appear to be sound. Thus, we fix the following norms/guidelines for appointing the petitioner as guardian of her husband:-

(a) We appoint Smt. Pooja Sharma, wife of Vikas Sharma, as guardian of her husband (who is in comatose state).

(b) She will have the right to take decisions on behalf of her husband for his proper medical treatment, nursing care, welfare and benefit of her husband and their children with power to do all acts, duties and things with respect to all the assets, properties of her husband Vikas Sharma. She will be allowed to operate bank accounts of Vikas Sharma.

(c) To sell the land situated at khasra no.209/2, Village-Elahbaans, Tehsil-Dadri, District-Gautam Budh Nagar.

(d) The entire sale consideration will be deposited with the Registrar General of this Court. This amount should be invested in a fixed deposit so that the petitioner gets the maximum interest. Registrar General is further directed to request the bank to remit Rs.50,000/- every month in the account whose details are being mentioned below, as it would be sufficient enough to meet out the medical expenses of the husband of the petitioner:

Account holder's name: Pooja Sharma

Account Number: 20163256946

Branch: Dwarka Sector 7, New Delhi, Bank: State Bank of India

IFSC Code: SBIN0011565

(e) Needless to say that while selling the properties of her husband Vikas Sharma, the petitioner may ensure that the best possible price or consideration amount is fetched.

(f) In case, any relative or friend of the person lying in comatose state points out that guardian is not acting in the best interest of the person lying in comatose state, such person will also have the locus to approach this Court for issuance of proper direction and for removal of the guardian."

4. Considering the fact that in the present case also, the husband of the petitioner is almost in a vegetative state and requires funds for treatment.

5. The writ petition is disposed of permitting the petitioner to act as a guardian of her husband. She would be entitled to take decision on behalf of her husband with regard to her medical treatment etc., and would be entitled to do all the acts in respect of assets and property of her husband and would also be permitted to operate the bank account. She would also be permitted to sell the land standing in the name of the husband situate at :-

(i). Plot No. 796 Area 2720 sq.ft., 252.78 sq.mt. situated at Village Lalpur,

Meerapur Barahi, Ward/Pargana-Shivpur, Tehsil & District-Varanasi, the aforesaid land was purchased by husband of petitioner namely- Vijay Narayan Singh S/o- Jivbujharath Singh, Resident of Gambhirvan, Tehsil-Sadar, District-Azamgarh. A copy of sale deed dated 28-01-2010 is being annexed with Annexure No. 1 to this writ petition ;

(ii). and also the land situate at Plot No.796 area 4080 sq.ft., 379.18 sq.mt. situated at Village Lalpur Meerapur, Barahi, Pargana-Shivpur, Tehsil & District-Varanasi. A copy of sale deed dated 28-01-2010 is being annexed with Annexure No. 2 to this writ petition.

6. The entire sale consideration collected by the petitioner shall be spent for the welfare of the husband and an amount towards expenses incurred shall be submitted before the Senior Registrar of this Court, in every three months.

7. Let a copy of this order be placed before the Senior Registrar for effective monitoring.

8. The writ petition stands disposed of.

(Amitabh Kumar Rai,J.) (Pankaj Bhatia,J.)

June 24, 2026

PS