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

CNR No. DLHC010819022024

+ **MAT.APP.(F.C.) 378/2024, CM APPL. 67646/2024**

SMT RANI DEVI

.....Appellant

Through: Dr. Amit George, Mr. Amol Acharya,
Ms. Rupam Jha, Advocates

versus

SH DINESH KUMAR & ANR.

.....Respondents

Through: Mr. Raghvendra Upadhyay Panel
Counsel GNCTD, Mrs. Purnima Jain
Adv, Mr. Kshitij, Mr. Yash Singh
Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **30.09.2026**

1. The challenge in this Petition is to the Order dated 01.10.2024 whereby the concerned Family Court has dismissed the application filed by the Appellant herein for non-compliance of Order dated 20.07.2022 passed by the Family Court which directed the District Magistrate, North East and the Secretary, Health & Family Welfare Department, Government of NCT of Delhi GNCTD to provide a 24-hour male attendant to the child of the Appellant, who is suffering from muscular dystrophy, which is a specified disability under the Schedule to the Rights of Persons with Disabilities Act, 2016 (*hereinafter referred to as 'the RPwD Act'*) read with Section 2(zc) of the RPwD Act.

2. A perusal of the Order dated 01.10.2024 indicates that the State has thrown up its hands by expressing its inability to provide manpower for fulfilling its duties under the RPwD Act. A perusal of the impugned Order



further indicates that the stand of the Government is that there is no provision in any of the schemes run in the Women and Child Department to provide a male attendant at the residence of the child.

3. Learned Counsel appearing for the Appellant states that the child is covered under Section 2(zc) of the RPwD Act. He further states that under Section 5 of the RPwD Act the Government should endeavour that persons with disabilities are provided with arrangements so that they can lead a dignified life. State is accordingly duty bound to make sure that such persons are given access to community support services and personal assistance necessary to support living and community inclusion.

4. Learned Counsel also draws the attention of this Court to Section 88 of the RPwD Act which mandates the State to provide financial support and welfare measures for persons with disabilities by establishing the State Fund for Persons with Disabilities. A perusal of the RPwD Act and the duties cast upon the State therein, does not indicate that the State can throw up its hand in despair.

5. The Government is directed to file an affidavit detailing as to whether the Fund as stipulated under Section 88 RPwD Act has been constituted or not and what steps are being taken by the Government to fulfill its responsibilities as enumerated under Section 5 of the RPwD Act.

6. Let the affidavit be filed within four weeks from today.

7. List on 08.12.2026.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

SEPTEMBER 30, 2026

Rahul