

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

GUARDIANSHIP PETITION NO. 1 OF 2016

Compton Greaves Ltd.

.. Petitioner

Vs.

Michael Gabrial & Ors.

.. Respondents

Mr.Vishal Talsania i/b Hafeezur Rahman for petitioner.

Mr.Michael Gabrial-respondent no.1 present in-Court.

CORAM : K.R.SHRIRAM, J.

DATE : 4TH APRIL, 2017

P.C.

1 Further to the order dated 24th January 2017 read with the order dated 10th February 2017, Shri Talsania for the petitioner submits that the Associate of this Court Mr.S.V. Jadhav visited “Prem Daan”, Missionary of Charities, Plot No.5, Sector 18, Airoli, Navi Mumbai 400708 on 22nd February 2017 and has submitted a Report dated 22nd February 2017. In the report, it is also mentioned that one Dr.Anjali Deshpande, Consultant Psychiatrist from Thane Mental Hospital also accompanied Mr.Jadhav and examined Ms.Jabamalai Mary Gabrial. The certificate is also attached to the Report. In the certificate, it is concluded that *Ms.Jabamalai Mary Gabrial is not of sound mind and requires medication all her life to maintain her mental condition.*

The Report dated 22nd February 2017 is taken on record and marked

'X' for identification.

2 Therefore, I do not find any impediment to grant of the relief as sought in the petition. At the same time, the next point comes for consideration is as to who should be appointed as a guardian of respondent no.4-Ms.Jabamalai Mary Gabrial.

3 Mr.Talsania for the petitioner submits that respondent no.1, has filed an affidavit dated 22nd February 2016 in which in paragraph 2, respondent no.1 has stated that he be appointed as guardian of respondent no.4. The advocate for respondent no.1 is not present. Respondent No.1-Michael Gabrial, who is present in Court, when asked about this, stated that he cannot say whether he can be appointed as a guardian unless is consulted with the Advocate.

4 The matter has been pending since long and despite filing an affidavit, if the stand of respondent no.1 is that he has to consult his advocate, in my view, it will be better if respondent no.1 is not appointed as guardian of respondent no.4.

5 Therefore, Mrs.C.J. Bhatt, Master and Assistant Prothonotary (Judl.)
of this Court is appointed as the guardian of respondent no.4- Ms.Jabamalai
Mary Gabrial under Chapter 5 of the Bombay High Court (OS) Rules.

6 The petition accordingly stands disposed.

(K.R. SHRIRAM, J.)