

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 26 OF 2018

HARISH THAKURDAS RIZWANI
VERSUS
NARESH THROUGH NEXT FRIEND BHARAT DHANRAJ RIZWANI
AND OTHERS

.....

Advocate for Petitioner : Mr. Kasliwal Anil H.
AGP for Respondent Nos. 2 to 4 : Mr. K. S. Patil

.....

CORAM : V. K. JADHAV, J.
DATED : 08th JUNE, 2018

PER COURT:-

1. The learned counsel for the petitioner submits that the petitioner has filed application bearing R.J.E. No. 88 of 2017 for appointment of the petitioner as guardian/next friend of Naresh, who is the elder brother of the petitioner, under Section 53 of the Mental Health Act, 1987 and also filed another application seeking judicial inquisition in respect of his elder brother Naresh, whether he is insane person as per the provisions of the Mental Health Act, 1987 r/w Section 151 of the Code of Civil Procedure. It further appears that the trial court has not passed any order on the aforesaid application. However, the trial court has directed the said Naresh (elder brother of the petitioner) to remain

present in court for enquiring into the matter so as to pass suitable orders and also directed the respondent Bharat Dhanraj Rizwani to remain present before the court for enquiring into the matter. The petitioner has filed the present Writ Petition in respect of the aforesaid orders passed by the court.

2. It appears that the petitioner has approached this Court even though the trial court has not passed any specific orders on R.J.E. No. 88 of 2017. The said application bearing R.J.E. No. 88 of 2017 is still pending. Thus, this Writ Petition is premature one. The learned Judge of the trial court is hereby directed to pass appropriate orders on R.J.E. No. 88 of 2017 in accordance with law and in the event any unfavourable order is passed by the trial court on the application R.J.E. No. 88 of 2017, the petitioner is at liberty to challenge the same by filing Writ Petition.

3. In view of the above, the Writ Petition is disposed of. No costs.

(V. K. JADHAV, J.)

vre/