

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4360 OF 2024**

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Pushpa Kalyani

.. Petitioner

Versus

Union of India & Anr.

.. Respondents

Adv. Chetan Alai a/w Rama Somani for the Petitioner.

Adv. A. I. Patel, Addl. G.P. a/w Y. D. Patil, AGP for the Respondent-State.

**CORAM: B. P. COLABAWALLA &
 FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 16, 2024

P. C.

1. The above Writ Petition is filed to issue a writ of mandamus or any other appropriate writ, order or direction declaring the Petitioner Mrs. Pushpa Kalyani as the guardian of Mr. Akhilesh Kumar who is in comatose condition.

2. The Petitioner is the wife of the Mr. Akhilesh Kumar, and who, according to the Petitioner, is suffering from Hypoxic Ischemic Encephalopathy, Cardiogenic Shock, post cardiac arrest, Ischemic Liver Injury, Urosepsis and Pulmonary Oedma. A medical certificate of Sanjeevani Hospital to that effect is also annexed at page 25 of the Petition.

3. Before we proceed further in the above Writ Petition, it would be just and proper if we direct the Authorities of Sir J.J. Group of Hospitals and Grant Government Medical College, Mumbai to Constitute a Medical Board to examine the physical and mental health of Mr. Akhilesh Kumar and submit a report to this Court on or before 31st July, 2024. The Petitioner will facilitate and co-operate with the Members of the Board so constituted to examine Mr. Akhilesh Kumar either at his residence or by making arrangement to transport him to the hospital as deemed necessary by the Board.

4. Mr. Akhilesh Kumar, apart from the wife who is the Petitioner, also has a daughter approximately 20 years old and another daughter who is 14 years old. The Petitioner shall also file an affidavit of the major daughter indicating that she consents that the Petitioner be appointed as a legal guardian of Mr. Akhilesh Kumar.

5. Stand over to 31st July, 2024.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]