

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 A. Alai a/w Bhushan Bhadgale a/w Rahi Patil a/w Rama Somani, Ashutosh Karangutkar i/b. Chetan Alai for the Petitioner.

Adv. Asha Bhule for Respondent No.3.

Mr. A. I. Patel, Addl.G.P. a/w P. N. Diwan, AGP for Respondent Nos. 1 and 2.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE: AUGUST 06, 2024

P. C.

1. The above Writ Petition is filed to to issue a writ of mandamus declaring that the Petitioner-Mrs. Pushpa Kalyani, be appointed as a guardian of Mr. Akhilesh Kumar who is in a comatose condition.

2. The Petitioner is the wife of 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.

2. When this matter had come up on 16th July, 2024, we were of the opinion that before we proceed further in the above 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 31st July, 2024. We had also directed that the Petitioner would facilitate and co-operate with the Members of the Board so constituted, to examine Mr. Akhilesh Kumar either at his residence or by making arrangements to transport him to the hospital as deemed necessary by the Board.

3. Today when the matter is called out, it appears that the Board is constituted and the Petitioner was asked to remain present before the board on 30st July, 2024. However, the Petitioner was not present. According to the Petitioner, no such notice was received by the Petitioner and therefore she could not remain present.

4. Without really going into the aforesaid controversy and to put to an end the whole dispute, we request the Three Member Board to visit the

residence of Mr. Akhilesh Kumar along with the Petitioner today at 2.30 p.m. to examine the physical and mental health of Mr. Akhilesh Kumar and submit a report to this Court on or before 9th August, 2024

5. We would also request that the report to be filed by the Three Member Board shall be in English.

6. We now place the above matter on 13th August, 2024 for passing further orders.

7. 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.]