

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7103 OF 2024****Aditi Amod Ketkar****} ..Petitioner****: Versus :**

The Union of India through The Secretary,  
Women and Child Welfare through Office of Law  
and Justice & Ors.

**} ..Respondents**

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***Mr. Bharat Manghani , for the Petitioner.******Mr. B. V. Samant, Addl.GP a/w Mr. D. S. Deshmukh, AGP for the Respondent No.2-State.***

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**Coram :**     ***Sandeep V. Marne &  
Dr. Neela Gokhale, JJ.  
(Vacation Court)***

**Dated :**     ***15<sup>th</sup> May 2024.***

**P.C. :**

1. By way of present petition, the Petitioner seeks to be appointed and declared as the legal guardian of her father Shri. Prabhakar Patwardhan on the ground that her father is in a comatose stage following a brain hemorrhage on 7 April 2024.

2. It is the case of the Petitioner that she is the daughter of Shri. Prabhakar Patwardhan and the Respondent No.3, i.e., Shailaja Patwardhan. Shri. Prabhakar Partwardhan was born on 6<sup>th</sup> November 1940 and the Respondent No.3 was born on 1<sup>st</sup> November 1949. Hence, both parents of the Petitioner are in their advanced age. They were married on 7<sup>th</sup> May 1972 and the Petitioner was born to them on 9<sup>th</sup> September 1973. The Petitioner

married Shri. Amod Ketkar on 6<sup>th</sup> June 1998 and she has two children from the said marriage. She also states that she is the only child of her parents and has no other siblings.

3. The Petitioner states that her father has a significant medical history and suffers from various co-morbidities. He is a cancer survivor and is also undergoing treatment for the same. On 7<sup>th</sup> April 2024, her father suffered a brain hemorrhage. Although admitted in the ICU in the Multi Specialty Hospital, he transitioned in a comatose stage and continues to be so till date.

4. The Petitioner states that her parents are joint owners of certain immovable and movable properties. Her father is also the Promoter of Co-operative Housing Society which is under redevelopment. There are certain documents required to be executed by her father relating to the redevelopment project. Considering her father's illness and the requirement of managing the properties and shouldering various responsibilities of the Petitioner including execution of Deed of Conveyance pertaining to the redevelopment project, etc. as well as looking after his personal needs, it is necessary that the Petitioner, being sole child of her parents be appointed as legal guardian of her father so as to be able to shoulder all the responsibilities.

5. Mr. Manghani, the learned counsel appearing for the Petitioner states that the Petitioner is already looking after her father and steadfastly overseeing his essential needs. She is committed to look after the welfare and well-being of her father. The Respondent No.3 is also of an advanced age and hence is unable to adequately care for her husband Prabhakar. It is in these circumstances that the Petitioner has filed the present petition seeking to be appointed as legal guardian of her father.

6. We have heard Mr. Manghani, the learned counsel for the Petitioner and Mr. Samant, the learned Addl. G.P. appearing for the State and perused the documents with the assistance of the counsels.
7. In view of the same, we deem it fit and proper to 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 Shri. Prabhakar Patwardhan and submit a report to this Court on or before 27<sup>th</sup> May 2024. The Petitioner will facilitate the Members of Board so constituted to examine him either at his residence or by making arrangement to transport him in the hospital as deem necessary by the Board.
8. List the matter on 27<sup>th</sup> May 2024 for further consideration.

**[*Dr. Neela Gokhale, J.*]**

**[*Sandeep V. Marne, J.*]**

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