

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14186 OF 2024

Asha Prakash Liman

.. Petitioner

Versus

Union of India Ors.

.. Respondents

Mr.Pramod Pawar, Advocate for the Petitioner.

Mr.A.I.Patel, Addl.G.P. a/w S.P.Kamble, AGP for
Respondent/State.

Mrs.Shehnaz V. Bharucha, Advocate for Respondent No.1.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : DECEMBER 09, 2024

P. C.

1. The above Writ Petition is filed by the Wife of Mr.Prakash Mhasku Liman (for short “***the said Prakash***”) to be appointed as his legal guardian. According to the Petitioner the said Prakash is in a camatose condition or vegetative state and it is for this reason that the present Petition is filed.

2. The Petitioner-Wife has stated that she and the said Prakash have four children, namely, three daughters and one son, the details of which have been set out in paragraph 3 of the Petition. The

learned counsel for the Petitioner has stated that the said four children have filed their Consent Affidavits stating *inter alia* that they have no objection if the Petitioner is appointed as the legal guardian of the said Prakash. These Consent Affidavits can be found from page 105 onwards of the paper book.

3. When the above matter had come on the last occasion, we were of the opinion that before we proceed further in the Writ Petition, and considering that the said Prakash is a resident of Pune and is currently at his residence, we had requested B.J. Medical College and Sassoon Hospital, Pune to constitute a Medical Board to examine the physical and medical health of the said Prakash and submit a report to this Court on or before today.

4. Today when the matter is called out, B.J. Medical College and Sassoon Hospital has in fact submitted a Report dated 6th December 2024. For the sake of convenience, the said Report is reproduced hereunder:-

“We have examined Mr.Prakash Mhasku Liman Age 58 resident of Flat No.19 Shivraj park B, building, Trimurti chowk, Bharti Vidyapeeth, Pune 411046, on 06/12/2024 between 3.30 pm to 4.00 pm, as per court order number writ petition no.14186 of 2024 dated 18/11/2024.

FINDINGS: We are of the opinion that the above patient has post traumatic (head injury) neurological deficit (semi-consciousness-persistent vegetative state)."

5. As can be seen from the said Report, the Medical Board has opined that the patient has post traumatic (head injury) neurological deficit (semi-consciousness-persistent vegetative state). It is thus clear that the said Prakash is not in a position to take care of himself and also unable to take any decisions.

6. Considering the Report of the Medical Board dated 6th December 2024, coupled with the fact that the children of the said Prakash have given their no objection to the Petitioner being appointed as the legal guardian of the said Prakash, we do not find any impediment in allowing the present Writ Petition.

7. As far as the maintainability of the above Writ Petition is concerned, we find that the same is clearly covered by the Division Bench decision of this Court in the case of *Rajni Hariom Sharma V/S Union of India & Anr [2020 SCC Online Bom 880]*.

8. In view of the foregoing discussion, the following order is passed:-

- (A) The Petitioner Mrs.Asha Prakash Liman is hereby appointed as a legal guardian of her husband Mr.Prakash Mhasku Liman who is in a semi-consciousness-persistent vegetative state.
- (B) All authorities shall accept status of the Petitioner as the legal guardian of the said Prakash Mhasku Liman for all purposes.
- (C) The Member Secretary of the Maharashtra State Legal Services Authority, either through officials of the said Authority, or through a legal aid counsel, or through a para legal volunteer, shall monitor the functioning of the Petitioner as the guardian of Mr.Prakash Mhasku Liman every three months and submit a Report to the Maharashtra State Legal Services Authority, and which shall be compiled for a period of two years. If it is found necessary to extend the time in case of any exigency, the Member Secretary of the Maharashtra State Legal Services

Authority shall be at liberty to move this Court for further orders.

9. With the aforesaid directions, the above Writ Petition is disposed of. However, there shall be no order as to costs.

10. The Registry is directed to furnish a copy of this order to the Member Secretary, Maharashtra State Legal Services Authority for doing the needful.

11. 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.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]