

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4248 OF 2024

Minita Shah

.. Petitioner

Versus

1. Dineshchandra Shah,
father of Mr. Jaimin Shah

2. Jasuben Shah

3. Kushal Shah

4. Diva Shah

5. The State of Maharashtra,
represented through Chief Secretary,
Govt. Of Maharashtra

6. The Union of India
through the Ministry of Health and
Family Welfare

.. Respondents

Mr. Karl Tamboly a/w. *Mr. Bharat Jain and Ms. Vidhi Porwal i/b IC Legal, for Petitioner.*

Ms. Darshana Vora, i/b Mehul Rathod for Respondent Nos. 1 to 4.

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

Date : October 21, 2024

P. C.

1. Mentioned out of turn.

2. The above petition is filed seeking a declaration that the Petitioner-Minita Shah be appointed as the legal guardian of Mr. Jaimin Shah (for short, “*Jaimin*”), who is in a comatose condition. The Petitioner is the wife of Jaimin, and who, according to the Petitioner is suffering from a head injury that was caused when he was traveling to Vietnam. He was undergoing treatment at Sir H.N. Reliance Foundation Hospital and Research Centre, Girgaon, Mumbai for Vigorous Physiotherapy, Speech Therapy and Cognitive Therapy and is securing supportive treatment to improve his consciousness. According to the said Hospital, he is partially conscious with spontaneous eye opening and minimal limb movements but not following commands. Hence, according to the said Hospital, Jaimin is not in a position to sign for an indefinite period of time. It is informed that Jaimin is now taking treatment at Kokilaben Dhirubhai Ambani Hospital & Medical Research Institute, Andheri, Mumbai.

3. Respondent Nos. 1 and 2 are the mother and father of Jaimin and Respondent Nos. 3 and 4 are his children. All those Respondents are represented by an advocate today who has stated that the said Respondents have no objection if the Petitioner is appointed as the legal guardian of Jaimin.

4. 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 medical health of Jaimin and submit a report to this Court on or before 18th November, 2024. The Petitioner shall facilitate and co-operate with the members of the Medical Board so constituted to examine Jaimin at the Kokilaben Dhirubhai Ambani Hospital & Medical Research Institute, Andheri, Mumbai, where he is currently receiving treatment.

5. It is needless to clarify that Kokilaben Dhirubhai Ambani Hospital & Medical Research Institute, Andheri, Mumbai shall give all necessary co-operation to the Medical Board constituted by Sir J.J. Group of Hospitals and Grant Government Medical College, Mumbai to ensure compliance of our order.

6. We now place the above matter on **18th November, 2024**, for 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.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]