

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2330 OF 2025

Sarathchandra Santhan & Anr.

...Petitioners

Versus

Federal Bank & Ors.

...Respondents

Ms. Sneha Shaji for the Petitioners.

Mr. Ashutosh Gavnekar i/b. Mr. C. G. Gavnekar for Respondent No.2.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 04 APRIL 2025

P.C.:

1. This petition has espoused the jurisdiction of this Court invoking the doctrine of *parens patriae*. The position in law in this regard has been considered by the Division Bench of this Court in **Mayuresh Dipak Nadkarni vs. Union of India**¹.

2. The prayer in the petition is that petitioner no.1 be appointed as the legal guardian of Mrs. Resmi Santhan who is the mother of petitioner no.1 and who is stated to be in vegetative state. She is stated to be residing at Alleppey, Kerala. To consider such prayer, the Court would be required to appoint a Medical Board to visit the residence of Mrs. Resmi Santhan. It

¹ Writ Petition (L.) No. 140 of 2024 dated 12 January 2024

may not be possible for this Court to appoint a Medical Board from a Government Hospital in Mumbai, who would visit Kerala to examine the medical condition of Mrs. Resmi Santhan. It is thus appropriate that the petitioners approach the High Court of Judicature at Kerala by filing the appropriate proceedings of the nature before us and seek appropriate reliefs as may be permissible in law.

3. In this view of the matter, we dispose of this petition keeping open all contentions of the petitioners to approach the Court of appropriate jurisdiction.

4. Disposed of in the aforesaid terms. No costs.

5. Needless to observe that if Mrs. Resmi Santhan has any grievances/issues/disputes with the respondents in the present petition, the contentions in that regard are also expressly kept open.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]