



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1144 OF 2024

Sanjay s/o. Shankarrao Puppal
Through POA Shankar s/o. Sharnappa Dharne ... Appellant.
Versus
State of Maharashtra and Anr. ... Respondents.

Ms. Lizum C. Wangdi, Appointed as amicus curiae for the Appellant.
Mr. A.R. Patil, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.
Date : January 15, 2025

P. C. :

1. The Appeal has been filed by the Power of Attorney holder of the Appellant seeking to challenge the order of the District Judge passed in an Application under Section 53 of the Mental Health Act, 1987 (for short, "Act of 1987) for appointing the District Collector as *de-facto* guardian of the patient, who has been admitted in Respondent No.2-Regional Mental Hospital, Yerwada, Pune.
2. Ms. Wangdi, learned *amicus curiae* tenders list of dates and would submit that the Appellant requires that a nominated representative be appointed under Section 14(4) of the Mental Health Act, 2017 (for short, "Act of 2017) and that the patient to continue to receive mental health care in the Respondent No.2-Regional Mental Hospital, Yerwada, Pune.

- 3.** She submits that the Appellant has informed her that regular calls are made by the hospital calling upon the Appellant to take the discharge of the patient and he is unable to do so and that a nominated representative be appointed under the Act of 2017.
- 4.** Mr. Patil, learned AGP seeks time to take instructions from the Respondent No.2-Regional Mental Hospital, Yerwada, Pune, as regards the medical condition of the patient and to take necessary instructions as regards the appointment of the nominated representative under Section 14(4) of the Act of 2017. At his request, stand over to **22nd January, 2025**, under the caption for “direction”.
- 5.** Till the next date, the Respondent No.2-Regional Mental Hospital, Yerwada, Pune is requested not to discharge the patient.
- 6.** All concerned to act upon copy of this order authenticated by the Registry of this Court.

[Sharmila U. Deshmukh, J.]