

V/s.

Union of India through the Sec. ... Respondents
Ministry of Social Justice and
Empowerment and Ors.

Mr. Ashish Sonawane with Ms. Ayodhya Patki, for the Petitioner.
Adv. S.A. Prabhune, AGP, for the Respondent Nos. 2 and 3.

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

DATE : 19th MARCH 2025.

PC:

1. This petition under Article 226 of the Constitution of India is filed praying that petitioner no. 2 Rajlaxmi daughter of Manmohan Khanvilkar being appointed as a legal guardian of her mother Mrs. Madhura Manmohan Khanwilkar who is stated to be suffering from dementia and profound disabilities. The other petitioners can be described; the petitioner no. 1 is the son of Mrs. Madhura, petitioner no. 2 is the daughter of Mrs. Madhura, petitioner no. 3 is the wife of petitioner no. 1 and petitioner no. 4 is daughter of petitioner nos. 1 and 3 who is a minor. It is stated in the petition that the petitioners are the only legal heirs of Mrs. Madhura Khanwilkar. The husband Mr. Manmohan Khanwilkar is stated to have expired in the year

2020.

2. The petitioners also described the properties which are held by Mrs. Madhura Khanwilkar as set out in Paragraph 16 of the Petition, at pages 12 and 13 and also the shares of the petitioners would have in such property.

3. Considering the medical condition of Mrs. Madhura Manmohan Khanwilkar the writ jurisdiction of this Court under the doctrine of 'parens patriae' is invoking praying that the petitioner no. 2 Rajlaxmi which declares as guardian after Mrs Madhura Madmohan Khanwilkar.

4. In support of such contentions, there is a disability certificate dated 14th May 2023 issued by the All India Institute of Physical Medicine and Rehabilitation, Mumbai which certifying that Mrs Madhura Madmohan Khanwilkar is suffering from multiple Sclerosis and accompanied with bowel and bladder involvement. There is a another certificate dated 15th June 2023 issued by Dr. Bhalchandra Kalmegh and which was obtained at the instance of Petitioner Nos. 1 and 2, the contents of which read thus:

"She is a case of Multiple Sclerosis for 20 years and suffering from dementia for more than eight years which is progressive in nature.

She was found bedridden. She was conscious but minimally cooperative and communicative. There are frequent anger outbursts while examination. Her visuospatial / executive function was minimal. She could not name the objects. Her attention was minimal. Her Memory, Language, Abstraction and Recall were minimum. She was hard of hearing and could follow only very simple commands. Her speech was incoherent.

The conclusion was that she suffers from severe dementia and needs assistance for her day-to-day activities. She requires constant nursing care and supervised medication. Her Indian Disability Assessment Scale score was 20 suggestive of profound

disability.

The above assessment was done at the request of her son and daughter for a certificate to be produced in a court of law”.

5. In our opinion, at this stage of the proceedings before we proceeded further appropriate orders, the medical condition of Ms. Madhura Khanwilkar is required to be ascertained, for which we would pass the following order:

ORDER

- a) The dean of Byramjee Jeejeebhoy (B.J.) Medical College and Sassoon General Hospital, Pune shall appoint the medical board existing of appropriate experts who would visit the residence of petitioner no. 2 namely, Banglow 183, Forest Trails Unit 2, CHSL, Bhugaon, Pune, so as to examine Mrs. Madhura Manmohan Khanwilkar and make a report of her medical condition to this Court to be forwarded to the learned AGP appearing in the present proceedings.
- b) Let such report be placed on record within a period of two weeks from today.
- c) Advocate for the petitioner is permitted to coordinate with the dean of the Byramjee Jeejeebhoy (B.J.) Medical College and Sassoon General Hospital, Pune so as to enable the medical team to visit the premises of the petitioner no. 2.
- d) Learned AGP to communicate this order to the dean of Byramjee Jeejeebhoy (B.J.) Medical College and Sassoon General Hospital, Pune.

6. List the matter on 2nd April 2025, High on Board.

(ADVAIT M. SETHNA, J)

(G.S. KULKARNI, J)