

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8325 OF 2025

Anita Sunil Likhite

Age: 60 years, Occu: Housewife,
R/at: Flat No.10, Ushaprabha Terraces,
S.No.28/8, Tejas Nagar,
Near Natraj Gas Agency Kotharud,
Dist. Pune

.....Petitioner

Vs.

1. Union of India
Through its Secretary
Ministry of Social Justice
And Empowerment,
New Delhi.
 2. The State of Maharashtra
Through Government Pleader
High Court, PWD Building
Appellate Side, Bombay
 3. Sunil Shrikrishna Likhite,
Age: Adult, Occ: Nil,
R/at: Flat No.10,
Ushaprabha Terraces,
S.No.28/8, Tejas Nagar,
Near Natraj Gas Agency,
Kothrud, Pune-411 038
 4. Mrs. Apoorva Vishwesh Pavnaskar,
Age-34, Occupation: Physiotherapist,
R/at- Laxmi Niwas, Abhinav Society,
Padmavati, Pune-411009
-Respondents

Mr. Pramod Pawar, for the Petitioner.

Mrs. S.V. Bharucha i/b Mr. A.A.Ansari, for Respondent No.1-UIO.

Mrs. Tanu N. Bhatia, AGP for Respondent No.2-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 31st JULY 2025.

JUDGMENT:- (Per Dr. Neela Gokhale, J.)

1. By this Petition, the Petitioner seeks a direction to declare the Petitioner to act as the legal guardian of her husband i.e. the Respondent No.3-Shri Sunil Shrikrishna Likhite Liman, who is in a vegetative state with permission to take decisions in all respects of his movable and immovable properties, including operation of the bank account standing in their joint names.

2) By order dated 30th June 2025, we had directed the B.J. Medical College and Sassoon General Hospital, Pune to constitute a Medical Board consisting of a Neurologist and other doctors to examine the Respondent No.3 at his residence and submit a report. The report was submitted on 12th July 2025 and was taken on record.

3) The Petitioner and the Respondent No.3 have a married daughter namely, Apoorva. By way of amendment, she has been impleaded as the Respondent No.4.

4) Heard learned counsels appearing for all the parties and Ms. Apoorva, the Respondent No.4 in person and have perused the record with their assistance.

5) The case of the Petitioner in brief is that on 15th May 2024, the Respondent No.3 awoke and complained of vertiginous giddiness. Thereafter, his speech became slurred and he was admitted to the Dinanath Mangeshkar Hospital, Pune. He was diagnosed with acute non-hemorrhagic infarcts in the right cerebral hemisphere, bilateral occipital and posteromedial temporal regions, pons and right thalamus and age related cerebral atrophy with chronic white matter ischemic changes. He underwent continuous treatment however, is unable to recover. According to the Petitioner, the Respondent No.3 is not in a condition to communicate and has been bedridden for the past one and a half year, with no hopes of recovery.

6) It is stated that the Petitioner has incurred all the expenses for his treatment and palliative care. However, being a housewife she has no source of income and is overwhelmed with the responsibility of caring for and incurring recurring expenditure for her husband's treatment. Her husband has two immovable properties; cash in bank

and a two-wheeler, which the Petitioner needs to sell for the purpose of raising funds to continue look after her husband.

7) Admittedly, the Petitioner and the Respondent No.3 have only one daughter presently married to one Mr. Pavnaskar. We inquired with her as to whether she had any objection to her mother being appointed as the sole legal guardian of the person and the property of the Respondent No.3. She clearly stated that she had no objection for the same. She also stated that she has no objection if permission is granted to her mother to sell the properties in the joint name of her parents and appropriate the sale proceeds to the welfare and care of her father. We accept the said statement. She has also placed on record an affidavit dated 15th April 2025 affirmed before a Notary Public conveying her free, unconditional, and irrevocable consent as stated above. She has placed on record her Aadhar Card, which has been verified by the learned AGP Mrs. Tanu N. Bhatia.

8) We have considered the opinion of the Medical Board, which reads as thus:

“Clinical impression-

The patient is stuporous with minimal response to

pain. There is no evidence that the patient understands any verbal or nonverbal communication and also there is no meaningful verbal or nonverbal response from patient. Also, there is no evidence to suggest that this patient has any awareness of self or surroundings. His other major organ functions mainly heart and respiratory systems are acceptable.

Conclusion-

Based on the review of medical history, hospital records, history from relatives and clinical examination with neurological assessment, the patient Sunil Shrikrishna Likhite, is currently in state of "persistent vegetative state". Recovery is unlikely in light of underlying posterior circulation brain stroke that occurred due to Basilar artery occlusion and lack of improvement since May 2024. He is completely dependent on care givers for his survival.”

- 9) In view of the fact that the sole daughter of the Petitioner and the Respondent No.3 has given her consent to the Petitioner being appointed as the legal guardian of the Respondent No.3 and the Respondent No.3 admittedly being rendered in a vegetative state unable to take any informed decisions in respect to his person and property, we see no impediment in appointing the Petitioner as the legal guardian of the person and property of Respondent No.3.

10) In view of the aforesaid, the Petitioner is appointed as the sole legal guardian of the person and property of Respondent No.3. She is permitted to sell, transfer, alienate, relinquish or in any other manner dispose the movable and immovable properties of the Respondent No.3 in his best interest. The sale proceeds of the said properties shall be deposited in the ICICI Bank, Account No.00391031465, which is in the joint name of the Petitioner and the Respondent No.3. The Petitioner is at liberty to expend the amounts from the said Bank Account for the upkeep, treatment, palliative care and other necessary expenditure of the Respondent No.3. Since the Petitioner herself is the joint owner of the immovable properties, the sale proceeds of which are to be deposited in the said bank account, she is also permitted to use 50% of the sale proceeds for her own personal use.

11) The Petition is accordingly allowed and disposed of.

12) All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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