

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.4248 OF 2024**

Minita Shah

.....Petitioner

Vs.

Dineshchandra Shah

.....Respondent

Mr. Hemant Shah, with Mr. Hrishikesh Tajane, i/b IC Legal, for the Petitioner.

Mr. Mehul Rathod, for Respondent Nos.1 to 4.

Ms. Jyoti Chavan, Addl.G.P. for Respondent No.5.

Mr. Amit Karkhanis, with Ms. Ruchita Chavan and Mr. Aditya Govilkar, for Respondent No.6.

**CORAM : REVATI MOHITE DERE &**

**DR. NEELA GOKHALE, JJ.**

**DATE : 8<sup>th</sup> JULY 2025.**

**P.C.:-**

1. On 18<sup>th</sup> November 2024, a detailed order was passed by this Court, taking into consideration the medical report then submitted, appointing the Petitioner as the legal guardian of Mr. Jaimin Shah ('Jaimin'), who is in a comatose condition. Since, the report of the Medical Board stipulated that the condition of Jaimin needs to be revaluated after six months, this Court did not dispose of the Writ Petition but placed the Writ Petition for revaluating the condition of Jaimin and thereafter, pass further orders, if necessary.

2. On 9<sup>th</sup> June 2025, having regard to paragraph 9 of the aforesaid order dated 18<sup>th</sup> November 2024, we directed 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 mental health of Jaimin, who was recuperating at his residence and submit a report to this Court. The Medical Board was directed to visit the residence wherein Jaimin was undergoing treatment.

3. On 24<sup>th</sup> June 2025, we were informed that Jaimin was admitted to the Kokilaben Dhirubhai Ambani Hospital and Medical Research Institute ('Kokilaben Hospital') and as such, we requested the Medical Board to visit the said hospital to examine Jaimin and submit a report to this Court.

4. Pursuant thereto, the Medical Board of Sir J.J. Group of Hospitals and Grant Government Medical College, Mumbai has submitted their report dated 4<sup>th</sup> July 2025. The report, which was tendered in sealed condition, is kept in the proceeding. The said report reads thus:

*“ We, the committee of doctors from Sir J.J. Hospital Mumbai, have examined Mr. Jaimin Dineshchandra Shah, 50 yrs/male at Kokilaben Dhirubai Ambani Hospital on 02/07/2025 at 5 pm. He was undergoing physiotherapy on 6th floor. He suffered traumatic brain injury with bilateral subarachnoid hemorrhage and subdural hemorrhage on 9/3/2024. He underwent bilateral decompressive craniectomy followed by cranioplasty later. His tracheostomy was closed more than 6 months back & he is well maintained on room air.*

*He has spontaneous eye opening, does not respond to verbal command and there is no meaningful speech. He is not able to communicate and is wheel chair bound, dependent on relatives for nursing care. He is currently under rehabilitation treatment from physiotherapy, occupational therapy & speech therapy departments.*

*He is not in the condition to understand and take any financial/legal decisions and is dependent on relatives for everything at present.”*

5. Considering the aforesaid report, we deem it appropriate that the Petitioner continues as the legal guardian of Jaimin for another twelve months from today.

6. Needless to state, that it is open for the parties to file a fresh Petition for extension of the reliefs granted by this Court vide orders dated 18<sup>th</sup> November 2024 and today's order or for any other order, as may be necessary.

7. Needless to state, that all Authorities shall accept the status of the Petitioner as the legal guardian of Jaimin for all purposes.

8. The Member/Secretary of the Maharashtra State Legal Services Authority, either through the officials of the said Authority, or through a Legal Aid Counsel, or through a para legal volunteer, shall monitor the functioning of the Petitioner as the guardian of Jaimin every three months and submit a report to the Maharashtra State Legal Services Authority, which shall be compiled by them.

9. If it is found necessary, it is open for the Member/Secretary of the Maharashtra State Legal Services Authority to move this Court for any clarification of the orders.

10. With the aforesaid directions, the Petition stands disposed of.

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

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

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