

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.5155 OF 2024

Bipin Thakurlal Mistry

.....Petitioner

Vs.

Union of India & Ors.

.....Respondents

Mr. Jayant Gaikwad with Ms. Sapna Parbat, for the Petitioner.

Mr. Kedar Dighe, for "A" Panel Counsel, for the Respondent No.1-
UOI.

Ms. Jaymala Ostwal, Additional Government Pleader, for the
Respondent No.2-State.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

Date : 20th FEBRUARY 2025.

P.C.:-

1. Heard learned counsel for the Petitioner.
2. By this Petition, the Petitioner seeks a direction to appoint the Petitioner as guardian of his wife Smt. Mayuri Mistry in respect of her person and properties.
3. Learned counsel for the Petitioner submitted that the Petitioner's wife Smt. Mayuri, aged 62 years of age is suffering from Acute Hydro Cephalous with Collied Cyst in Brain and that she is in

vegetative stage since 19th October 2018. The Petitioner has annexed a certificate issued by Anand Nursing Home dated 3rd September 2024 evidencing the same. It is placed at Exhibit 'G' at page 54 of the Petition.

4. Issue notice to the Respondents returnable on **6th March 2025**.

5. Mr. Dighe, learned counsel waives notice on behalf of Respondent No-1-Union of India. Learned Additional Government Pleader waives notice on behalf of Respondent No.2-State.

6. In addition to court notice, learned counsel for the Petitioner to serve the Respondent Nos.3 to 5 by private notice and file Affidavit of Service before the next date.

7. Notice to indicate that an endeavour shall be made to dispose of the Petition finally at the stage of admission, even if none appears for the said Respondents on the next date.

8. Considering the medical condition of the Petitioner's wife and the relief sought in the Petition, we direct the Authorities of Sir J.

J. Group of Hospitals to appoint a Neurologist from the Department concerned of the Hospital to visit and examine the Petitioner's wife-Smt. Mayuri at their residence and submit a report in respect of her medical condition before the next date, through the learned AGP.

9. Stand over **6th March 2025**.

10. To be listed on the supplementary board.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)