

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

GUARDIANSHIP PETITION NO. 11 OF 2025

Mukund Dalal

.. Petitioner

**Adv. Jehangir Jeejeebhoy a/w Adv. Deeksha Jani and Adv. Jinay Jain
i/b. Jani and Parikh for the, Petitioner.**

CORAM: FIRDOSH P. POONIWALLA, J.

DATE: OCTOBER 7, 2025

P. C.

1. This Guardianship Petition is filed to appoint the Petitioner as a Guardian of his sister Mrs. Deepika Chandratreya (hereinafter referred to as "Deepika"). It is the case of the Petitioner that the appointment of a guardian for Deepika is necessary as Deepika suffers from grade IV Subarachnoid Haemorrhage rendering her bedridden. She is unable to walk by herself and is unable to carry out basic hygiene and toilet activities without assistance. Her mobility is only by way of a wheelchair. She is unable to speak or swallow solid food. She had a tube inserted in her stomach to facilitate her eating activity. This tube has now been replaced with a feeding tube through the nose because of a major stomach infection that she suffered. Her left arm is partially paralyzed, and even though her right arm is not paralyzed, she is not

using her right hand for any activity. In addition to complete dependency, Deepika's inability to move has remained.

2. Deepika is unable to communicate by verbal means. Although, she was previously able to make simple and basic communication through non-verbal means such as nodding her head or blinking her eyes, over the past few weeks her condition has deteriorated further and she is no longer able to effectively communicate. She is conscious but minimally cooperative. Her attention span is minimal. She appears to understand only very simple commands and not complex instructions. Her breathing is facilitated by a breathing tube. Her speech is incoherent and reduced in tone and output. Her concepts and judgements are impaired, as is her memory.

3. In light of this health situation of Deepika, she is incapable of making and/or comprehending the consequences of any cogent decisions by herself, and she is not in a position to do anything on her own.

4. It is in these circumstances that the Petitioner has sought to be appointed as a guardian of Deepika. The Petitioner has produced a Certificate of Dr. Arun B. Shah, Consultant Neurologist and Director-Neurology in H. N. Reliance Foundation Hospital and Research Centre, whereby he has certified that Deepika has been diagnosed with Subarachnoid Haemorrhage and she has no capacity to make important decisions due to her condition.

5. Apart from the Petitioner, the only other relatives of Deepika are her daughter Disha and her grandson Nikolas Butcher (minor). The

Petitioner has annexed to the Petition the consent affidavit of Disha Chandratreya, the daughter of the deceased, stating that she had no objection to the Petitioner being appointed as the guardian of Deepika's person and properties, and giving her full and free consent for the same.

6. In my view, in the aforesaid circumstances, it is necessary to appoint the Petitioner as the guardian of Deepika.

7. Accordingly, the following order is passed :

- a) The Petition is allowed in terms of prayers (a), (b) and (c) thereto.
- b) However it is made clear that the Petitioner shall not be entitled to sell any of the immovable properties of Deepika, except the immovable property at Raigad which is mentioned at serial no. 1 of **Exhibit "G"** of the Petition. The Petitioner shall not be entitled to sell the immovable property mentioned at serial no. 2 of **Exhibit "G"** of the Petition.

8. As far as movable properties are concerned, the Petitioner will not withdraw or deal with the amounts mentioned at serial nos. 1, 2 and 3 of the movable properties at page 60 of the Petition. However, the Petitioner will be entitled to deal with the joint holdings that he has with Deepika and which are shown at serial no.4 at page 60 of the Petition.

9. Guardianship Petition is allowed in the aforesaid terms. There will be no order as to costs.

10. In the event that the Petitioner wants to deal with some of the other assets of the deceased, liberty to apply.

[FIRDOSH P. POONIWALLA, J.]