IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8076 OF 2026

Ms. Minoshka Noella Dsouza & Anr. .. Petitioners

Vs.

Union of India & Ors. .. Respondents

...

Mr. Bhushan Raut a/w Mr. Kiran Shinde for the Petitioners.
Smt. Neha S. Bhide, Government Pleader with Mr. P. P. Kakade, Addl. Govt. Pleader with Smt. G. R. Raghuwanshi, AGP for Respondent Nos.2 and 3-State.

...

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 5th OCTOBER, 2026.

P.C. :

1. Pursuant to the Order passed by this Court on 18th September, 2026, learned Counsel for the Petitioner tendered an Affidavit disclosing statement of accounts/estate of Mr. Ralph Anthony Dsouza, which is taken on record.

2. Both the Petitioners claim to be biological daughters of Mr. Ralph Anthony Dsouza. It is stated that their biological mother has passed away, and their father is presently suffering from Benign Tumor since 2008 and thereafter there were four subsequent operations for a recurrent tumor. Consequently, the Petitioners have invoked the writ jurisdiction of this Court seeking relief under the

doctrine of '*parens patriae*', along with relevant statutory provisions under the Guardians and Wards Act, 1890.

3. On 19th August, 2026, a co-ordinate Bench of this Court proceeded to examine the matter and directed the State authorities to evaluate the medical condition of Mr. Ralph Anthony Dsouza. Pursuant to the said direction, the learned Additional Government Pleader for the Respondent-State has submitted a detailed Medical Report dated 4th September, 2026 issued by the Dean of Sir J. J. Group of Hospital & Grant Government Medical College, Mumbai. The Medical Report was already taken on record and marked as "X" for identification pursuant to Order dated 18th September, 2026 passed by this Court.

4. The clinical diagnosis has been submitted by a Medical Board consisting of three doctors, namely : 1. Dr. Akash Cheda, Assistant Professor, Department of Neurology, 2. Dr. Rushikesh Kharoskar, Assistant Professor, Department of Neurosurgery and 3. Dr. Madhav Bondve, Assistant Professor, Department of Psychiatry, all from Sir J. J. Group of Hospital & Grant Government Medical College, Mumbai . For ready reference, the same is reproduced hereinunder:

> *" Mr. Ralph Anthony, D'souza was examined on 03/09/2026 at his residence at Bandra, Mumbai. He is alert*

and cooperative for examination. He follows verbal commands and is able to communicate. He is wheelchair bound and needs the assistance to walk. He has poor visual fixation and has bilateral vision impairment. He is unable to do simple calculation and has recent memory affection. He also suffers from intermittent hallucinations.

He has been operated for bilateral frontal meningioma with recurrence and has underwent radiation therapy in the past.

He is dependent on care taker for activities of daily living. He is not in a condition to take any legal or financial decisions on his own at present. He is unlikely to improve fully and needs assistance of relatives for all his needs and financial/legal decisions."

5. A perusal of the above would indicate that the Medical Board has opined that the patient's medical condition is such that he is dependent on caretaker for activities of daily living, he is not in a condition to take any legal or financial decisions on his own at present and he is unlikely to improve fully and needs assistance of relatives for all his needs and financial/legal decisions.

6. Having considered the Medical Report placed on record and with the consent of the learned Counsel appearing for the respective parties, the following directions are issued, in terms of the provisions for appointment of guardian as provided under the Guardians and Wards Act, 1890.

(i) The Writ Petition is allowed in terms of prayer clauses (a) and (b), which read thus: -

> *"(a) This Hon'ble court be pleased to issue a writ of Mandamus or a writ in the nature of mandamus or any other appropriate orders, directions and/or declaration whereby the Petitioner that Ms. Minoshka Noella Dsouza shall be treated and accepted as the Legal guardian of her father Mr. Ralph Anthony Dsouza.*
>
> *(b) This Hon'ble court be pleased to issue a writ of Mandamus or a writ in the nature of mandamus or any other appropriate orders of directions to the Respondents and the institutions functioning under them to accept the status of the Petitioner No. 01 Ms. Minoshka Noella Dsouza as the guardian of her father Mr. Ralph Anthony Dsouza and to allow the Petitioner No. 01 to represent the interest of her Father Mr. Ralph Anthony Dsouza to discharge the function on his behalf."*

(ii) The Petitioner No.1 – Ms. Minoshka Noella Dsouza shall furnish an undertaking to this Court affirming that she shall consistently and diligently care for and maintain her father, Mr. Ralph Anthony Dsouza. The said undertaking shall be filed on record within a period of 72 hours from uploading of this order.

7. The Writ Petition stands Disposed Of in the above terms. However, considering that we are exercising jurisdiction under doctrine of '*parens patriae*', interest of justice would be subserved by listing this matter for monitoring the progress and to report compliance after three months.

8. Accordingly, list the matter on **5th January, 2027**, for compliance.

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

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**

PRAVIN DASHARATH PANDIT
Digitally signed by PRAVIN DASHARATH PANDIT
Date: 2026.10.06 17:42:49 +0530