

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16935 OF 2025

Vidya Jagdish Bhagat ... Petitioner
versus
Union of India & Ors. ... Respondents

...
Mr.Shrikant Rathi for the Petitioner.
Mr.O.A.Chandurkar, Addl.GP with Ms.Pooja Patil, AGP for the
Respondent -State.
Ms.Bhairavi Waravdekar for Respondent Nos. 3 and 4.
...

CORAM : RAVINDRA V. GHUGE &
ABHAY MANTRI, JJ.

DATE : 06 APRIL, 2026

P.C:

1. On 18.12.2025, this Court had passed the following order :

‘1 At the outset, learned counsel for the petitioner seeks leave to amend the petition so as to implead the mother and son of Jagdish Gopal Bhagat as party-respondent Nos.3 and 4. Leave granted. Amendment to be carried out forthwith.

2 By the present petition, the petitioner seeks her appointment as the legal guardian of the person and property of her husband- Jagdish Gopal Bhagat, aged 56 years, who has been in a vegetative state since December 2014.

3 In paragraph 3 of the petition, the petitioner has set out the Class-I legal heirs, namely, the mother of Jagdish Gopal Bhagat and the son of the petitioner. The petitioner has also annexed medical certificates pertaining to Jagdish Gopal Bhagat to demonstrate his medical condition.

4 Issue notice to the newly added respondent Nos. 3 and 4, returnable on 8th January 2026.

5 Considering the aforesaid, in the meantime, we deem it appropriate to direct the J.J. Hospital, Mumbai, to constitute a Medical Board, consisting of a Neurologist and other doctors, to examine Jagdish Gopal Bhagat at his residence, and submit a report regarding his medical condition. The said report to be submitted to this Court on or before 8th January 2026.

6 Learned A.G.P to forthwith communicate this order to the Dean, J.J. Hospital, Mumbai, so as to enable them to constitute a Medical Board and submit a report to this Court with respect to the medical condition of Jagdish Gopal Bhagat.

7 All concerned to act on the authenticated copy of this order.'

2. Pursuant to the above order, the husband of the Petitioner, namely, Jagdish Gopal Bhagat, was referred to the Medical Board constituted by Sir J.J. Group of Hospitals and Grant Government Medical College, Mumbai.

3. The report received by the Registrar, Civil Appellate Side, Bombay High Court, along with a covering letter dated 02.02.2026, is

placed before us. The medical report dated 30.01.2026, signed by three senior Doctors forming part of the Board constituted under the order of this Court, contains their opinion. The said report, along with the covering letter (two pages), is taken on record and marked as 'X' for identification.

4. For ready reference, we are reproducing the opinion of the Medical Board hereunder:

'The team of doctors examined Mr. Jagdish Gopal Bhagat on 30/1/26 and he was accompanied with his wife.

On examination, he was conscious but unresponsive to verbal stimuli. He does not comprehend spoken language. He had right gaze preference. He has quadriparesis with minimal movement on painful stimuli. He has tracheostomy tube in situ and feeding is through PEG tube.

He has suffered from traumatic brain injury and has residual quadriparesis with major cognitive decline. He is dependent on relatives for all his daily activities. He is unlikely to improve from his current state.'

5. By this Petition, the Petitioner-wife has invoked the doctrine of *parens patriae*.

6. The reasons set out in the pleadings indicate the circumstances under which her husband, Jagdish Gopal Bhagat, has suffered a medical

condition. According to the report of the Doctors, he is unable to comprehend spoken language. He is conscious, but unresponsive to verbal stimuli. He is being fed through a tube, which is defined as a tracheostomy. He has suffered a traumatic brain injury and has residual quadriparesis. He is dependent on his relatives and is unlikely to improve from his current condition.

7. Respondent Nos. 3 and 4 are the mother and son of Jagdish, respectively. These Respondents consent to the allowing of this Petition in terms of prayer clauses (a), (b), and (c), in the light of the medical report.

8. As such, since the parties are consenting, **this Petition is allowed** in terms of prayer clauses (a), (b), and (c), which read as under:

‘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 i.e. Vidya Jagdish Bhagat shall be treated and accepted as the guardian of the person and property of her husband Mr. Jagdish Gopal Bhagat who is in a vegetative state;

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 or Directions to the Respondents and the institutions functioning under them to accept the status of the Petition as the

guardian of Mr. Jagdish Gopal Bhagat and to allow the Petitioner to represent the interest of Mr. Jagdish Gopal Bhagat to discharge the functions on his behalf;

c. pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to allow Petitioner to administer the immovable assets of Mr. Jagdish Gopal Bhagat;'

(ABHAY MANTRI, J.)

(RAVINDRA V. GHUGE, J.)