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

WRIT PETITION NO. 4470 OF 2025

Bharat Babulal Sanghvi & Anr. ...Petitioners

Versus

PRECIFab Engineers Private Limited & Anr. ...Respondents

Mr. Ramesh Chheda for the Petitioners.

Mr. Anoop Patil a/w Ms. Priyanka A. for the Respondent No.1.

Mr. Mohit Jadhav, Addl. G.P. for Respondent No.2/State.

CORAM : RAVINDRA V. GHUGE

&

HITEN S. VENEGAVKAR, JJ.

DATE : 16th APRIL, 2026

P.C. :-

1. On 30th March, 2026, we had passed the following order :

“1. We have heard the learned Advocates for the respective sides and perused the prayers.

2. Petitioner No.1, is the son of Petitioner no.2. The Bombay Hospital and Medical Research Centre, is treating Petitioner No.2, for a brain hemorrhage which has resulted in the patient lapsing into a comatose stage.

3. We direct Petitioner no. 1, to approach the same hospital to freshly examine Petitioner No.2 and produce a latest Medical Certificate. The Doctors deputed by Bombay Hospital and

Medical Research Centre shall examine Petitioner No.2 namely Babulal Pukhraj Sanghvi, and shall generate a fresh medical certificate of the patient. Along with such Medical Certificate, Petitioner No.1 would tender an affidavit indicating the date of visit of the Doctor or the Medical Team deputed by Bombay Hospital and Medical Research Centre for examining Petitioner No.2.

4. On the request of the Petitioners, we are listing this Petition on 16th April 2026, in the 'Urgent Supplementary Board'."

2. In pursuance to the above order, the Petitioner, namely Bharat Babulal Sanghvi has filed an affidavit dated 15th April, 2026 (3 pages) along the medical certificate issued by Dr. Shantilal Jain, Treating Doctor, Bombay Hospital, dated 13th April, 2026 and which is counter signed by Dr. Sagar Sakle, Joint Medical Superintendent, Bombay Hospital (1 Page). The affidavit as well as the original certificate of the Bombay Hospital (4 pages), are taken on record and marked as 'X' for identification.

3. The learned Advocate for Respondent No.1 submits that considering the report of the Bombay Hospital and the affidavit filed by the Petitioner, who is the biological son of Babulal Sanghvi, this Petition may be disposed off in terms of Prayer Clause (a). Prayer Clause (a), reads as under :

“a. Issue appropriate writs, order and directions to the Hon’ble City Civil Court to add present applicant Mr. Bharat Babulal Sanghvi as best friend/ guardian of his father Mr. Babulal Pukhraj Sanghvi (original Petitioner), in the pending suit no.303/2018 and further allow him to act, on behalf of the original plaintiff to bring said suit to logical end, as he is in comatose and unable to work of his own.”

4. Upon perusal of the pleadings on record, including the affidavit filed by the Petitioner and the medical reports duly certified by the competent medical practitioners placed before this Court by the Petitioners, which indicate the medical condition of Shri. Babulal Pukhraj Sanghvi, we are satisfied that he is unable to manage his affairs, personal, financial as well as legal, due to his medical incapacity. The material placed on record, thus, sufficiently establishes that his medical condition necessitates appointment of a guardian to safeguard his interests and to attend his legal and civil obligations.

5. In this context, we have considered the principles enunciated by the Hon’ble Supreme Court in ***Shobha Gopalakrishnan vs. State of Kerala***¹ wherein the Hon’ble Apex Court has laid down guidelines for the appointment of guardians for

¹ (2019) 5 SCC 409

persons in comatose or otherwise medically incapacitated state, in the absence of a specific statutory framework. The Supreme Court has recognised the jurisdiction of the High Courts under Article 226 of the Constitution of India to issue appropriate directions for such appointment and to ensure protection of the rights and properties of such persons.

6. Applying the aforesaid principles to the facts of the present case and further, being satisfied about the bonafides, suitability and relationship of Petitioner No.1, Bharat Babulal Sanghvi, being son of Shri. Babulal Pukhraj Sanghvi, we deem it appropriate to appoint the former as a guardian of Shri. Babulal Pukhraj Sanghvi.

7. Accordingly, in exercise of our Writ jurisdiction under Article 226 of the Constitution of India, Petitioner No.1 is hereby appointed as the guardian of Shri. Babulal Pukhraj Sanghvi with the authority to manage his affairs, including attending to his legal, financial and related obligations, subject to such safeguards and conditions as may be applicable in law.

8. With the above directions, this **Writ Petition is disposed off.**

9. Insofar as the Prayer Clause (b) is concerned, Petitioner No.1, Bharat Babulal Sanghvi, is at liberty to approach the appropriate Bench by filing an Interim Application in Company Petition No.998 of 2015, for seeking appropriate orders.

(HITEN S. VENEGAVKAR, J.)

(RAVINDRA V. GHUGE, J.)