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

INTERIM APPLICATION NO. 8129 OF 2025
IN
LUNACY PETITION NO.7 OF 1998

Jayesh Jaywant Jadhav ... Applicant

Vs.

Union of India (Thr. Indian Railways) ... Respondent

Adv. Lisa Das a/w. Adv. Vivek Yadav i/b. Adv. Vivek Yadav for Applicant.

CORAM : FARHAN P. DUBASH, J.

DATE : 2ND FEBRUARY 2026

ORDER:

1. The present Interim Application has been filed seeking substitution of the Applicant, Mr Jayesh Jaywant Jadhav, son of the late Mr Jaywant Sakharam Jadhav (**Deceased**), as the legal guardian of Ms Subhadra Sakharam Jadhav (**Subject Person**), who is stated to be unmarried, in continuation of the lunacy proceedings preferred by the Deceased and to enable the Applicant to utilise the pension and benefits for the welfare and medical needs of the Subject Person. In addition, the Applicant has sought directions to Respondent No. 1 - Union of India through Indian Railways & Respondent No. 2- Bank,

respectively, to act upon the substitution and to continue disbursement of pension and benefits to the Subject Person.

2. It is stated that the Deceased passed away on 2nd September 2025 and that, consequently, upon the demise of the Deceased, pension disbursement and withdrawal have stopped, causing hardship to the Subject Person, who continues to be incapable of managing her affairs.

3. It is pertinent to note that Lunacy Petition No. 7 of 1998 was filed by the Deceased in respect of the Subject Person, who is the sister of the Deceased and a former employee of Indian Railways. By order dated 28th August 1998, this Court allowed the said Lunacy Petition and, on the basis of the medical certificate issued by the Medical Superintendent, Regional Mental Hospital, Thane, declared the Subject Person to be of unsound mind. Accordingly, the Deceased was declared to be the guardian of her person and property, permitting him to receive the monthly family pension payable to her as nominee of her late mother.

4. Subsequently, due to difficulties experienced with Respondent No.2 Bank, qua the stoppage of the payment of the monthly pension, and the crediting of the amount to a fixed deposit, the Deceased preferred Interim Application No. 2137 of 2023, seeking specific directions against Respondent No. 2 – Bank for the withdrawal of three fixed deposits viz.,(i) Account No.

004045110017686, (ii) Account No. 004045110017687 and (iii) Account No. 004045100011481, lying with the Respondent No. 2 - Bank at its Santacruz Branch, Mumbai 400 054, and for continuance of pension credit.

5. By order dated 30th June 2023, this Court allowed the said Interim Application in terms of prayer clauses (a), (c) and (d), *inter alia* directing Respondent No. 2 – Bank to permit withdrawal of three fixed deposits, to credit the arrears of accrued family pension since 1998 to the account of the Deceased, and to continue to credit the monthly family pension in his account as guardian of the Subject Person, as per the order dated 28th August 1998. The prayer clauses (a), (c), (d) in the above-stated Interim Application are reproduced as thus :

a) That this Hon'ble Court may be pleased to allow to petitioner to withdraw the 3 Fixed Deposits. Viz. 1) Account No. 004045110017686 dated 15th July, 2015, for the amount of Rs. 2,17,122.00, 2) Account No. 004045110017687 dated 15th July, 2015, for the amount of Rs. 1,93,773.54 and 3) Account No. 004045100011481 dated 20th July, 2019, for the amount of Rs. 1,59,780.31, lying with the Bank of India at Santacruz, Branch, Mumbai as a guardian of his Lunatic sister Miss. Subhadra Sakharam Jadhav.

c) This Hon'ble Court be pleased to Credit the arrears of accrued family pension lying with the Respondent since 1998 to the Account of the Petitioner.

d) This Hon'ble Court be pleased to direct the Respondent to continue to credit the family pension amount in the account of the Petitioner as per Order dated 28th August, 1998 and further allow the

Petitioner to withdraw the monthly family pension amount from his account.

6. Pursuant to directions of this Court, Applicant has filed an Affidavit dated 27th January 2026, wherein he has categorically deposed that he has been residing with the Subject Person, in Khira Nagar, S.V. Road, Abdul Kadiya Chawl, Room No. 8, Santacruz (West), Mumbai – 400 054 along with the Deceased, since his birth, and that he continues to reside in the same premises with the Subject Person, along with his mother, his wife, two children and his brother.

7. Additionally, as directed by this Court vide order dated 28th January 2026, Applicant has also placed on record Consent Affidavits of the other legal heirs of the Deceased, dated 29th January 2026 viz., (i) Ms. Jayshree Jadhav, mother of the Applicant, (ii) Mr. Jaydeep Jadhav, brother of the Applicant, and (iii) Ms. Jyoti Jadhav, sister of the Applicant, all expressing their unequivocal consent and support for the appointment of the Applicant as legal guardian of the Subject Person and acknowledging that the Applicant be allowed to manage the pension and benefits of Subject Person.

8. Having considered the material on record, including the fact that the Applicant has been residing with the Subject Person and bearing in mind the consent and support of the other legal heirs of the Deceased, I am of the view that it would be in the interest and welfare of the Subject Person that the

Applicant be substituted and appointed as the legal guardian of her person and property.

9. Accordingly, the following order is passed:

:: ORDER ::

(i) The present Interim Application is allowed in terms of prayer clauses (a), (b), (c), which read as under:

a) That this Hon'ble Court may be pleased to take on record the death of late Mr. Jaywant Sakharam Jadhav and Substitute and appoint the Applicant, Mr. Jayesh Jaywant Jadhav, as legal guardian of Ms. Subhadra Sakharam Jadhav;

b) That this Hon'ble Court may be pleased to permit the Applicant to receive and manage the pension and service benefits of Ms Subhadra Sakharam Jadhav in the interest of justice.

c) That this Hon'ble Court may be pleased to direct Indian Railways and the pension disbursing bank to act upon this order in the interest of justice.

(ii) The present Interim Application is accordingly disposed of.

(iii) There shall be no order as to costs.

(FARHAN P. DUBASH, J.)

Ajay Jadhav