

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

**GUARDIANSHIP PETITION NO. 6 OF 2026  
WITH  
INTERIM APPLICATION NO. 1080 OF 2026  
IN  
GUARDIANSHIP PETITION NO. 6 OF 2026**

Rajesh Jayanand Nagjee

...Applicant/  
Petitioner

**Versus**

Gouri Jayanand Nagjee

...Respondent

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*Ms. Archana Deshmukh a/w Ms. Anjana Devi i/b Singhania & Co., for the  
Petitioner.*

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**CORAM : SHARMILA U. DESHMUKH, J.**

**DATE : June 09, 2026**

**P. C. :**

1. The present petition has been filed under Clause XVII of the Letters Patent, invoking Parens Patriae jurisdiction of this Court, seeking guardianship of the person and the property of Mrs. Bhanumati Jayanand Nagjee, aged about 92 years and is suffering from advanced dementia.
2. The petition has been filed by one of the sons of Mrs. Bhanumati Nagjee, and the other son, Dr. Parimal Jayanand Nagjee, who is a

citizen of the United States of America, has consented to the Petitioner's appointment as the guardian of the person and property of Mrs. Bhanumati Nagjee. The petition was initially resisted by the daughter of Bhanumati Nagjee i.e., Gouri Jayanand Nagjee. This Court is informed that Gouri Nagjee is since deceased, and there is no opposition to the present petition.

**3.** By order dated 13<sup>th</sup> February, 2026, during the lifetime of the Respondent- Gouri Nagjee, this Court had permitted the Respondent, Gouri Nagjee to file her reply and made *pro tem* arrangement for taking care of Mrs. Bhanumati Nagjee. By order of 27<sup>th</sup> March, 2026, certain additional directions were issued by this Court, as, at that point of time, Mrs. Bhanumati Nagjee had been shifted to the hospital, having suffered a brain stroke, and additional medical staff was provided.

**4.** By order of 27<sup>th</sup> April, 2026, the Petitioner was permitted to place the latest medical report and other documents on the record of this Court by way of an affidavit, pursuant to which the affidavit has been filed along with the latest medical reports and documents. The affidavit sets out the medical reports and prescriptions by Dr. Rohann Bokdawala, as well as the expenses incurred towards the treatment of Mrs. Bhanumati Nagjee.

**5.** Upon perusal of the report of Dr. Rohann Bokdawala dated 13<sup>th</sup>

March, 2026, it is certified that the patient, Mrs. Bhanumati Jayanand Nagjee, is suffering from advanced dementia and severe cognitive impairment and requires continuous care and medical attention.

**6.** This Court in Guardian Petition No. 8 of 2025 has noted that under the Mental HealthCare Act, 2017 there is no provision for appointment of guardian of mentally ill person. It noted the definition of mental illness under Section 2(s) of Mental Health Care Act, 2017 and Section 2(q) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and noting the vacuum created by repeal of the Mental Health Act, 1987 held that this Court had power under Clause XVII of Letters Patent to exercise jurisdiction over mentally incapacitated persons in absence of any statutory or legislative bar.

**7.** Considering the advanced age of Mrs. Bhanumati Nagjee and the fact that she is unable, by reason of cognitive impairment, to take care of her person and property, the need for appointment of guardian of the person and property of Mrs. Bhanumati Nagjee is established.

**8.** The Petitioner is the son of Mrs. Bhanumati Nagjee and is not shown to suffer from any impediment which would preclude his appointment as guardian of the person and property of Mrs. Bhanumati Nagjee. The other son has also filed his consent for the appointment of the Petitioner as the guardian of the person and

property of Mrs. Bhanumati Nagjee.

**9.** In view of the above, the Guardianship Petition is allowed. The Petitioner is appointed as guardian of the person and property of Mrs. Bhanumati Jayanand Nagjee and authorised to take all decisions necessary and incidental for the welfare and benefit of Mrs. Bhanumati Nagjee, and for the maintenance of her property and assets, subject to the utilization of the assets of Mrs. Bhanumati Nagjee for the purpose of her medical care and treatment. For the said purpose, the Petitioner is permitted to operate all bank accounts of Mrs. Bhanumati Nagjee, manage and liquidate her investments, and manage the properties of Mrs. Bhanumati Nagjee and utilize the money for her proper upkeep, medical needs and requirement, as well as her sustenance.

**10.** In the event of any clarification being required in respect of the dealing with the assets of Mrs. Bhanumati Nagjee, appropriate directions can be obtained from this Court. The Guardianship Petition is allowed as above. The Interim Application does not survive for consideration and stands disposed of.

**[SHARMILA U. DESHMUKH, J.]**