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**BEFORE THE COURT OF PRINCIPAL DISTRICT JUDGE,
BHAVNAGAR**

Misc. Civil Application No.08 / 2026

Exh. _____

Rajuben Ukabhai Bhil
Wife / Guardian of Ukabhai Balabhai Bhil
Aged: 58 years, Occu. : Household work,
Address : Behind Mota Shitala Mata Temple,
Ghogha Road, Bhavnagar.

.. .. **APPLICANT**

Vs.

None.

.. .. **OPPONENT**

Appearance :

Mr. D.T.Jasani, Learned Advocate for the applicant

:: J U D G M E N T ::

1. The present application is filed under Section 14 of the Rights of Persons with Disabilities Act, 2016, by **Smt. Rajuben Ukabhai Bhil**, wife of **Shri Ukabhai Balabhai Bhil**, seeking her appointment as guardian of her husband in her

capacity as wife, for the purpose of operating his savings bank account bearing Account No. 78010398577 at Gujarat Gramin Bank, Akwada Branch, Bhavnagar, the said account holder being an unsound person within the meaning of the Rights of Persons with Disabilities Act, 2016.

2. It is the case of the applicant that her husband **Shri Ukabhai Balabhai Bhil** used to run a pan-masala shop and earn his livelihood therefrom. On **30.10.2025**, in the morning hours, while leaving home to attend to his shop, he suddenly collapsed. He was immediately taken to Arogya Health Centre, Bhavnagar, where the attending doctor, upon examination, found that he had sustained serious head injuries. Dr.Ashokbhai Valiya, Neurosurgeon, was called for examination, who opined that the patient would require a surgical operation. Accordingly, **Shri Ukabhai Bhil** underwent Left Fronto-Temporo-Parietal (FTP) Decompressive Craniectomy for Left Capsulo-Ganglionic Intracerebral Haemorrhage (ICH) with Intraventricular Haemorrhage (IVH) on 30.10.2025. Thereafter, the patient has been undergoing home-based treatment under the medical supervision of Dr. Ashok Valiya, and is required to visit the doctor periodically.
3. The applicant submits that approximately Rs.3,75,000/- has already been spent towards the treatment of her husband,

and further expenditure of approximately Rs.1,00,000/- or more is likely to be incurred. It is further submitted that out of the amount spent, the applicant had Rs.25,000/- of her own funds, and the remaining sum of approximately Rs.3,50,000/- was borrowed from relatives and friends. If the said borrowed amount is not repaid in time, the reputation of the applicant in the society would be adversely affected. The applicant further submits that her husband holds **Savings Account No. 78010398577** at **Gujarat Gramin Bank, Akwada Branch, Bhavnagar**, with a balance of Rs.3,47,940/- as on 03.06.2025, apart from interest accrued thereon. The said funds belong exclusively to the family and are available in the account, but cannot be accessed due to the incapacity of the account holder.

4. The applicant further submits that when she approached Gujarat Gramin Bank, Akwada Branch, to withdraw the amount from the savings account of her husband, the bank informed her vide its letter that the presence of the account holder with his specimen signature is mandatory for any withdrawal by withdrawal slip, and that if the account holder holds a cheque book, he may issue a bearer cheque with his specimen signature. Since **Shri Ukabhai Bhil** is presently in a state of severe neurological impairment he is unable to speak, write, or put his signature and it is practically impossible to comply with the requirements of

the bank. The applicant is therefore constrained to approach this Court for appointment as guardian of her husband for the limited purpose of operating his said bank account.

5. The applicant further submits that she and her husband have six children namely Jagdishbhai, Sanjaybhai, and Rohitbhai (sons), and Kanchanben, Shobhaben, and Jalpaben (daughters). All the daughters are married and are residing at their matrimonial homes. All three sons are also married and are living independently. None of the said children wish to claim any share from the said savings account of Shri Ukabhai Bhil. The applicant has declared that in the event any such claim is raised, the responsibility in respect thereof shall be borne by the applicant herself.
6. In support of the application, the applicant has produced the following oral and documentary evidence :

:: ORAL EVIDENCE ::

Exh. No.	Description of document
6	Examination – in – chief filed by the applicant

:: DOCUMENTARY EVIDENCE ::

Exh. No.	Description of document
8	Photocopy of Aadhaar Card of Shri Ukabhai

	Balabhai Bhil
9	Photocopy of the relevant portion of Savings Passbook of Shri Ukabhai Balabhai Bhil at Gujarat Gramin Bank, Akwada Branch
10	Photocopy of Aadhaar Card of the applicant Smt. Rajuben Ukabhai Bhil
11	Letter issued by Gujarat Gramin Bank, Akwada Branch, stating that for withdrawal by withdrawal slip, the specimen signature and physical presence of the account holder are required, and that the account holder may alternatively issue a bearer cheque with correct specimen signature
12	Certificate dated 27.01.2026 issued by Dr. Ashok Valiya, Neurosurgeon, certifying that Shri Ukabhai Balabhai Bhil is under his medical care and treatment; that the patient underwent Left FTP Decompressive Craniectomy for Left Capsulo-Ganglionic Intracerebral Haemorrhage (ICH) with Intraventricular Haemorrhage (IVH) on 30.10.2025; and that due to his present neurological condition, the patient is not able to speak, write, or put his signature
13	Collective pathological reports and medical bills pertaining to the treatment of Shri Ukabhai Balabhai Bhil
14	Public notice published in 'Sandesh' daily newspaper dated 03.02.2026, inviting objections from the public to the present proceedings

15	Bill issued by Vivek Advertisers for printing and publication of the public notice in Sandesh daily newspaper
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7. It appears from the record that the applicant has published a public notice in '**Sandesh**', a leading daily newspaper, on **03.02.2026** (Exh.14), calling upon the public to file any objections to the present proceedings. **No objections** have been received in response to the said publication.
8. From the above evidence on record, it is clear that **Shri Ukabhai Balabhai Bhil** suffered a sudden and serious neurological episode on 30.10.2025, which necessitated a major brain surgery. The medical certificate (Exh.12) issued by Dr.Ashok Valiya, Neurosurgeon, unequivocally states that due to the patient's present neurological condition consequent upon the said surgery, he is unable to speak, write, or put his signature. The letter of the bank (Exh.11) confirms that access to the account requires either the physical presence of the account holder with specimen signature, or a bearer cheque signed by the account holder, however, both of which are clearly impossible in the present circumstances. The first page of the bank passbook of Shri Ukabhai Balabhai Bhil has been produced and marked as Exh.9, which confirms the existence of Savings Account No.78010398577 at Gujarat Gramin Bank, Akwada Branch,

Bhavnagar. The applicant has stated on oath that the balance standing in the said account was Rs.3,47,940/- besides interest accrued thereon, which, if true, represents the primary available resource for meeting his ongoing and future medical expenses as well as for repayment of the amounts borrowed from relatives and friends.

9. The applicant is the lawfully wedded wife of Shri Ukabhai Balabhai Bhil and resides with him at the same address. She has been his primary caregiver since the onset of his illness. None of the six children of the couple have any objection to the appointment of the applicant as guardian for the purpose of operating the bank account, and no adverse claims have been raised by any person, as is also evident from the absence of any objection in response to the public notice. The prayer is specifically limited to operating the said savings bank account and conducting the financial transactions therein and no prayer for alienation of immovable property or any other asset has been made. There is no adverse interest or ulterior motive discernible on the part of the applicant.
10. Upon perusal of the pleadings, affidavit, oral and documentary evidence on record, and in light of the unrebutted facts, this Court is satisfied that **Shri Ukabhai Balabhai Bhil** is a person with disability within the meaning

of the Rights of Persons with Disabilities Act, 2016, and is presently incapable of managing his financial affairs, including operating his bank account. The applicant, being his wife and primary caregiver, has approached this Court in good faith and solely for the benefit and welfare of the said incapacitated person. The application merits acceptance.

11. In view of the foregoing facts, evidence, and in the interest of justice and the welfare of the person with disability, this Court finds merit in the application, and therefore, the following order is passed :

:: ORDER ::

1. The application is hereby allowed.
2. **Smt. Rajuben Ukabhai Bhil** is hereby appointed as the legal guardian of her husband **Shri Ukabhai Balabhai Bhil**, a person with neurological disability, for the limited purpose of operating his **Savings Account No. 78010398577** held at **Gujarat Gramin Bank, Akwada Branch, Bhavnagar**, and conducting all financial transactions in the said account.
3. **Gujarat Gramin Bank, Akwada Branch, Bhavnagar** is hereby directed to permit **Smt. Rajuben Ukabhai Bhil** to operate the aforesaid savings account and conduct

all financial transactions therein on behalf of the account holder, upon production of a certified copy of this order.

4. The applicant shall operate the said account solely **for the benefit and welfare** of Shri Ukabhai Balabhai Bhil and shall not utilise the funds therein for any purpose other than meeting his medical expenses and the repayment of amounts borrowed for his treatment.
5. The applicant shall maintain full transparency and may be called upon by this Court or any competent authority to render an account of the transactions conducted in the said savings account.
6. No order as to costs.

Pronounced and signed in the open Court today this 7th day of **April, 2026** at Bhavnagar.

Date : 07.04.2026.
Bhavnagar.

[**H.S.Mulia**]
Principal District Judge,
Bhavnagar.
Unique ID Code No. GJ00915

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