

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION (L) NO. 3526 OF 2026

Hiral P. Patel ... Petitioner
V/s.
Sonal P. Patel. ... Respondent

Adv. Mustafa Doctor (Senior Advocate), Adv. Spenta Havewala, Adv. Munaf Virjee, Adv. Anuya Pathare, Adv. Shruti Salian i/b. Amar Law for the Petitioner.

Petitioner present on Video call
Ms. Sheetal Shah for Respondent
Respondent present in person

CORAM : FARHAN P. DUBASH, J.

Date : 2nd FEBRUARY 2026

P. C :

1. Upon mentioning, the matter was taken in Chambers at 5.00 p.m.
2. The present Guardianship Petition has been filed by the Petitioner, Ms. Hiral P. Patel, who seeks the appointment of a Guardian of her grandmother, Mrs. Kokilaben Kanubhai Patel (**the patient**), who is 92 years old. The Respondent – Mrs. Sonal P. Patel, is the mother of the Petitioner and daughter of the patient.

3. Without going into the merits of the matter and purely as a *pro tem* arrangement, the following order is passed with the consent of both parties and which is without prejudice to their rights and contentions, in particular that of the Respondent, who is yet to put in her response to the assertions made in the present Guardianship Petition :

: ORDER :

(i) Dr. Mazda Keki Turel, Consultant (Brain and Spine) Neurosurgeon at Wockhardt Hospital (Mobile No. 9930174567 – E-mail : mazdaturel@gmail.com) is hereby appointed as the Medical Expert to examine the patient – Mrs. Kokilaben Kanubhai Patel, who is residing in Bungalow No.1 (Row House Nos. 1 and 2) in Benhur, behind Benhur Apartments, 32, Narayan Dabholkar Road, Mumbai 400 006 and submit a Medical Report on her present condition.

(ii) In particular, the Medical Expert shall assess and opine on whether the patient is incapacitated and if so, to what extent. He shall also examine and assess as to whether the patient is bedridden and able to communicate effectively and coherently and is in a proper mental state of mind and aware of her surroundings. He shall further assess and opine as to whether

the patient is capable of taking care of herself and her day-to-day activities and also whether she is capable of managing her own affairs. If the Medical Expert is unable to give his professional medical/expert opinion on any of the queries stated hereinabove, he is at liberty to state so in his report.

(iii) For the purposes of conducting such examination, the Medical Expert is requested to attend the residence of the patient, at the address mentioned hereinabove, on any date and at a time that is suitable to him, preferably after giving at least 72 hours prior notice of his said visit to the Advocates of the Petitioner and Respondent at the below mentioned E-mail addresses :

Advocate of the Petitioner –

munafvirjee@amrlaw.in

anuyapathare@amrlaw.in

Advocate of the Respondent -

sheetalsshah@mehtaandgirdharlal.in

(iv) The Medical Expert is requested to complete this exercise on or before 16th February 2026 and submit his report in a sealed envelope to this Court through the Advocate for the Petitioner. The Medical Expert shall not disclose his findings to

any of the parties. If the Medical Expert requires, he is permitted to visit the patient on more than one occasion. If the Medical Expert requires, any/all prior medical history and/or reports shall be made available to him by the Respondent, who is presently staying with the patient.

(v) During the home visit of the Medical Expert, besides the nursing staff of the patient that is stated to be looking after her, only the following persons are permitted to remain present in the room :-

- (a) The Respondent
- (b) The Advocate of the Respondent
- (c) The Petitioner
- (d) The Advocate of the Petitioner

The Medical Expert is also at liberty to examine the patient without any of the afore-mentioned persons remaining present in the room and only in the presence of her regular nursing staff or caregiver.

4. The Petitioner is permitted to serve a copy of this order, digitally signed by the PA/PS of this Court on the Medical Expert, who is requested to forthwith act on the same.

5. The present Guardianship Petition shall be placed on Board on 18th February 2026 for further directions.
6. Prior thereto, the Respondent shall file and serve a copy of her Affidavit-in-Reply to the present Guardianship Petition on or before 16th February 2026.
7. Stand over to 18th February 2026.

(FARHAN P. DUBASH, J.)

Jyoti Pawar

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2026.02.02
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