



Sawant

WP- 5823-2025 op.docx

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5823 OF 2025

The Bandra Holy Family Hospital Society & Anr.

... Petitioners.

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Pradip Chavan a/w. Adv. Yogesh Naidu, Adv. Wesley Menezes, Adv. Sabiya Kazi i/by Adv. Anukul Seth and Adv. Delilah Jefferey, Advocates for the Petitioners.

Dr. Birendra Saraf, A.G. a/w. Smt. M.M.Deshmukh, Acting PP a/w. Mr. Ashish I. Satpute, APP for the Respondent -State.

Adv. Gauri Joglekar i/by Meraki Legal for the Respondent No.3

Dr. Anupama Sardana, Medical Superintendent Sister Sheeja and Mr. Denzil (CFO) present.

API A.B. Kamble, Bandra PS.

Sr. PI, R. Salunkhe, Bandra PS.

Digitally
signed by
SANJAY
KASHINATH
NANOSKAR
Date:
2025.11.17
15:14:45
+0530

CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.

RESERVED ON : 11th NOVEMBER 2025.

PRONOUNCED ON : 17th NOVEMBER 2025.

PC:-

For the reasons recorded separately, the following Order is passed:-

1) Considering the overall facts and circumstances of the case in hand, the conduct of the Respondent No.3 and with a view to balance the

equities we pass following directions:-

- (i) The Respondent No.3 is to ensure that his mother/ patient Mrs. Mohini Puri with his consent and under his supervision and medical team of the Bhabha Hospital, Bandra is discharged and shifted to the ICU of Bhabha Hospital, Bandra. This is to be done by the Respondent No.3 before 9.00 a.m. of 18th November, 2025.
- (ii) The Respondent No.3 shall undertake to pay charges for the shifting and also for medicines consumables and other treatment charges as per the policy of the Bhabha Hospital applicable to the patient from the weaker sections/charity patients or as per CGHS rates, which ever is lower. All such charges shall be payable by the Respondent No.3.
- (iii) In the event the Respondent No. 3 does not take steps to comply with the directions in clause (i) and (ii) above, the said non-compliance by Respondent No.3, shall be considered as an exposure and abandonment of the patient Mrs. Mohini Puri, and the State Government shall and is hereby directed to take patient Mrs. Mohini Puri from the Petitioner No. 2 Hospital and admit her initially to the ICU of the Bhabha Hospital at Bandra or any other Government Hospital as may require.

- (iv) The State Government, before shifting the patient shall ensure that the patients health and condition is checked by Government Medical Team and even during the transit Government Doctors are available in the ambulance. The shifting of the patient will be done under medical advice and supervision of the Government Doctors.
- (v) The State Government shall take all necessary steps to provide required medical care facilities to patient Mrs. Mohini Puri. The same will be at the costs of State Government.
- (vi) The Respondent No. 1 is directed to take immediate steps in accordance with law in respect of the Petitioner No.2 Complaint dated 4th October, 2025 and letters dated 22nd October, 2025 and 29th October, 2025.
- (vii) The Respondent No. 2, is called upon to consider the representations made by the Petitioner No.2 by its letter dated 22nd October, 2025 (Exh-H) to the Petition and take all necessary and consequential steps in accordance with law including the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with particular reference to the Section 5 and 23 thereof and other steps/actions in accordance with the law to protect

the property and interest of the patient/senior citizen for the well being and care of the patient.

- (viii) Pursuant to the order dated 10th November, 2025, an amount of Rs.1,00,000/- has been deposited by the Respondent No.3 with the Registry of this Court. The said amount shall be transferred to the Maintenance Tribunal established under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. The Tribunal shall pass necessary directions in respect thereof in accordance with law.
- (ix) Considering the peculiar facts of the present case, it is directed that the Respondent No.3 shall not deal with the properties of the patient/senior citizen which are to his knowledge, power and/or possession including the residential flat i.e A/4,Meghdoot Building, Linking Road, Next to McDonald's, Bandra (W), Mumbai -400050 in any manner whatsoever without the prior leave of this Court.
- (x) The Respondent No.3 shall within a period of one week from the date of the order, furnish to this Court by way of an Affidavit the details of all the properties both movable and immovable owned and possessed by the Mrs. Mohini Puri and also properties of Mrs. Mohini Puri which are in

the use, possession, occupation and knowledge of the Respondent No.3.

(xi) The Petitioners are at liberty to adopt appropriate legal remedies for recovery of their monetary claim from Respondent No.3 as per the provisions of law.

2) Petition is allowed in the aforesaid terms.

3) List the Petition on 24th November 2025 for reporting compliance of order.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)