

AMAR JEET@ AMAR JEET SINGH Vs. THE MEDICAL
SUPERINTENDENT SDM MULTISPECIALITY DIAGNOSTIC CENTRE
CNR No. DLWT01-005357/2019

17.11.2022

Present: Ms. Kanchan Bala, Ld. counsel for the Plaintiff

Pursuant to directions issued on the last date of hearing by Id. Predecessor of this Court, Id counsel for the plaintiff has filed an application u/o. 1 rule 10 CPC for impleading Government of NCT of Delhi in the present suit.

It needs a brief highlight that the present suit has been filed for seeking damages to the tune of Rs. 50 lacs for allegedly causing blindness to the plaintiff in both his eyes on account of medical negligence. However, before notice could be issued to the defendants, application u/o. 33 rule 3 CPC for granting permission to the plaintiff to issue as an indigent person, which was filed alongwith suit, but had not been taken up for directions on first hearing, was subsequently taken up. Subsequently, notice was issued to the concerned SDM and report was sought. The said report was filed by Tehsildar, Saraswati Vihar, wherein it has been stated that plaintiff is a 100% blind person and has no immovable property or FDs. He, however, has a single bank account in which also as on 03.07.2018, the total balance to his credit was Rs. 9270/-. It has been also stated in the report that his day today expenses are being met through blind pension and on Langar/ ration being provided by the Gurudwara. He also has a family to look after consisting of his wife and three children.

After having gone through the provision as contained under order 33 rule 3 r/w. Sec. 151 CPC, I do not see any necessity to implead Government of NCT of Delhi as a necessary party. However, at this stage, what is required to be done is to give an opportunity to the plaintiff to lead evidence in support of his application to sue as an indigent person. At this stage, notice is required to be issued to the opposite side also u/o. 33 Rule 3 CPC. Put up for recording evidence on behalf of plaintiff in support of his application filed u/o. 33 rule 3 CPC for NDOH. Notice is also required to be issued to the Government Pleader. Same be issued through DM (West). Consequently, put up again on 05.01.2023. Issue notice to the defendants for the limited purpose of deciding the pending application. Notice be issued without filing of PF. Application u/o. 1 rule 10 CPC is returned to the plaintiff.

(Ajay Gulati-I)
ADJ-02, WEST
17.11.2022