

CS 58695/16

**RATTAN KUMAR AGGARWAL Vs. CHAUDHARY AISHI RAM BATRA
PUBLIC CHARITABLE TRUST AND ORS.**

16.05.2023

Present : Ms. Sonia Sachdeva, counsel for the plaintiff.
Sh. Vipin, counsel for the defendants.
Dr. Jhansi Lakshmi, S.R., AIIMS, New Delhi is present.

Dr. Jhansi Lakshmi has appeared pursuant to the notice issued on the last date of hearing. An application filed on behalf of the plaintiff under Section 151 of CPC seeking directions that expert opinion may be called from Director, AIIMS in respect of the alleged medical negligence is on judicial file. Same be taken on record. Defendants have filed reply to the application submitting that they have no objection, in case, the application is allowed.

Record perused. This is an alleged case of death by medical negligence. I am of the considered opinion that for an effective adjudication, an expert opinion is required on crucial aspects pertaining to the ailments, treatment and death of late Smt. Savitri Devi Aggarwal. The application is allowed. The matter is referred to the Medical Superintendent, AIIMS Hospital for giving opinion on the following formulated questions :

1. What was the ailment and health issues of patient Smt. Savitri Devi Aggarwal at the time of her admission at Batra Hospital and Medical Research Centre?
2. Whether Batra Hospital and Medical Research Centre followed the established medical treatment and protocol while treating the patient?
3. What was the cause of death of the patient?
4. Was there any medical negligence on the part of the Hospital?

Copy of the above said order be sent to the Director, AIIMS along with

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the relevant medical record for necessary opinion on the above formulated question. The fee is fixed at Rs.1,00,000/- (Rupees One Lakh only) to be borne equally by the plaintiff and defendants for giving expert opinion.

Put up on 26.09.2023 for report from AIIMS.

(Sudhanshu Kaushik)
ADJ-02 & Waqf Tribunal
NDD/PHC/ND/16.05.2023