



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25015 of 2024

Smt. Madhusmita Das

....

Petitioner(s)

Mr. Tapan Kumar Kamila, Adv.

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. Ch. Satyajit Mishra, AGA

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

08.10.2024

01. 1. This matter is taken up through hybrid arrangement.
2. In filing this Writ Petition, the Petitioner being the wife of the deceased who died due to the negligence on the part of the Doctor, has challenged the order dated 14.02.2020 passed by the learned Odisha Human Rights Commission, Bhubaneswar in Case No. 5661 of 2017.
- Apart from the above challenge, the Petitioner has also sought for a direction from this Court to the Opposite Party Nos.1 & 2 for paying a sum of Rupees Twenty lakhs to her due to untimely death of her husband.
3. Challenging the impugned order dated 14.02.2020 learned counsel for the Petitioner submits that soon after meeting with an accident near Damana Chhak, Bhubaneswar the husband of the Petitioner was shifted to the Capital Hospital, Bhubaneswar for treatment. But, the Doctor/Opposite Party No.11 instead of providing immediate treatment to the deceased went on asking unnecessary questions to him. Due



to such negligence on the part of the Doctor the deceased died untimely.

4. At this juncture, learned counsel for the Petitioner submits that had the Doctor provided proper treatment to the deceased in time, the life of the deceased could have been saved. In order to prove his contentions learned counsel for the Petitioner also produces a video clip relating to the situation on that day at the Capital Hospital, Bhubaneswar which reveals the above noted facts true.

5. At this juncture, learned counsel for the Petitioner also submits that though the Petitioner tried to establish her case, the Commission did not pay any attention to her submission or documents produced by her. Hence, this Writ Petition.

6. Looking to the factual scenario of the case and considering the submission made on behalf of the Petitioner, this Court is of the view that this case portrays the insensitiveness of the Doctor while attending the critical patient/deceased husband of the Petitioner.

7. In such view of the matter, let notice be issued to the Opposite Parties.

8. Learned counsel for the State waives of notice on behalf of the Opposite Party Nos.1 to 4 and 6 to 10. Let nine extra copies of the brief be served on the learned counsel for the State within three working days hence.

9. Issue notice to the Opposite Party No.11 by Registered Post with A.D./Speed Post making it returnable by 4th



November, 2024. Requisites for issuance of notice shall also be filed within the time stipulated hereinabove.

10. List this matter on 5th November, 2024.

(Dr. S.K. Panigrahi)
Judge

Ayaskanta