

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSCivil Appeal No(s). 9341/2010

STATE OF BIHAR &amp; ORS.

Appellant(s)

VERSUS

BIBHA SINGH (DEAD)

Respondent(s)

(IA No. 141619/2021 - APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT  
IA No. 141614/2021 - APPLICATION FOR SUBSTITUTION  
IA No. 141615/2021 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.  
IA No. 141617/2021 - SETTING ASIDE AN ABATEMENT)

Date : 03-08-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PANKAJ MITHALFor Appellant(s) Mr. Abhinav Mukerji, AOR  
Bihu Sharma, Adv.  
Pratishtha Vij, Adv.  
Mr. Mohit Prasad, Adv.For Respondent(s) Mr. Sunil Kumar, Sr. Adv.  
Mr. Santosh Mishra, AOR  
Ms. Shuchi Bharti, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

1. This matter pertains to reimbursement of the medical expenses incurred for the treatment of the husband of the respondent. The patient has passed away on 26.01.2005 during the pendency of the appeal. We are told that even the respondent has since passed away on 26.09.2020.
2. The Division Bench of the High Court under the 18.03.2008 impugned judgment declared that the respondent is entitled to reimbursement of the medical expenses along with related expenses

since the facility of the liver transplantation was not available in India as was opined by the AIIMS, Delhi. This Court has not stayed the High Court judgment and therefore on 26.07.2022, time was granted to the counsel for the State of Bihar as to whether the judgment of the Division Bench of the High Court has been complied with by the appellants or not.

3. Today when the case is called out, Mr. Mohit Prasad, learned counsel appears for the appellants, but although the specific query was made by this Court as far back as on 26.07.2022, the State's counsel has no information on whether the entitled amount was disbursed to the claimant. Time was given today in the forenoon to the learned counsel to obtain instructions and he submits that although calls were made, the concerned officer has failed to furnish requisite information.

4. This is indeed an unsatisfactory state of affairs. Be that as it may, on the request of the State's counsel, the matter is deferred to 09.08.2023 as the final opportunity to the appellants to take appropriate steps in the matter.

5. List again on 09.08.2023.

(NITIN TALREJA)  
COURT MASTER (SH)

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR