

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1251 OF 2001

MOOL CHAND K.R.HOSPITAL.&AYUR.RES.CEN.

Appellant (s)

VERSUS

BHAJAN LAL GUPTA AND ORS.

Respondent(s)

(With appln(s) for stay)

Date: 08/11/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. B.D. Gupta, Adv.

Mr. Viraj Mohapatra, Adv.

Ms. Neeru Vaid, Adv.

Ms. Deepti Rajpal, Adv.

For Respondent(s)

Ms. Mala Goel, Adv.

Mr. Rajinder Mathur, Adv.

Mr. S.C. Dhanda, Adv.

Mr. A.V. Rangam, Adv.

Mr. A. Ranganadhan, Adv.

Mr. Buddy A. Ranganadhan, Adv.

Ms. Rekha Pandey, Adv.

Ms. Anil Katiyar, Adv.

Mr. D.S. Mahra, Adv.

Ms. Anu Mohla, Adv

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed, impugned order is set aside and the complaint filed by the respondents before the National Forum is dismissed. No costs. Let the sum of Rs.two lacs deposited by the appellant, pursuant to the order of this Court, together with the interest accrued thereon be refunded to them.

[Alka Dudeja]
Court Master

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1251 OF 2001

Mool Chand K.R.Hospital and Aur.Res.Centre ...Appellant(s)

Versus

Bhajan Lal Gupta and Ors.

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The present appeal has been filed by the Hospital against order rendered by

the National Consumer Disputes Redressal Commission [for short, 'the National

Forum'] in original petition filed before it on behalf of the respondents whereby a

compensation of Rs.two lacs has been awarded in favour of the complainants. The

complainants filed a complaint before the National Forum alleging therein that Vijay

Kumar was admitted in the hospital in question and he died in the absence of proper

care and treatment given to him, which has been denied by the hospital administration.

The National Forum observed that 'No one can with certainty say if intubation in time

would have saved the patient or atleast prolonged his life until he could be taken to any

other Hospital where Plasma pheresis facility was available' and on the basis of

surmises and conjectures came to the conclusion that the hospital administration was

negligent in not providing proper oxygen facility to the patient, as a result of which he

died. Consequently, a sum of Rs.two lacs has been awarded as compensation.

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We have been taken by the learned counsel appearing on behalf of the

respondents to the evidence adduced on their behalf. Learned counsel could not point

out even a single piece of evidence to show that there was any negligence on the part of

the hospital administration as such we have no option but to hold that the National

Forum was not justified in awarding compensation against the appellants.

Accordingly, the appeal is allowed, impugned order is set aside

and the

complaint filed by the respondents before the National Forum is dismissed. No costs.

Let the sum of Rs.two lacs deposited by the appellant, pursuant to the order of this

Court, together with the interest accrued thereon be refunded to them.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

November 08, 2005.