

SLP(C)No. 3896 OF 2001

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5060 OF 2004
(@ SLP © No.3896 of 2001)

SUMAN RAKHEJA

Petitioner (s)

VERSUS

STATE OF HARYANA AND ANR.

Respondent (s)

O R D E R

Leave granted.

Heard counsel for the appellant as well as the counsel for the respondents.

The appellant is the wife of a deceased government servant who had undergone treatment in the Appollo Hospital, New Delhi, which was a private hospital and which was not recognised/approved at that time. For the treatment in that hospital appellant incurred expenses to the tune of Rs.6,01,166/- and the appellant, by way of an application prayed for reimbursement of the medical expenses incurred, but the same was declined by the State, on the ground that the hospital wherein the appellant's husband had undergone the treatment was not an approved hospital. Counsel for the appellant submitted that in similar case (Annexure P-4) i.e by the Order of the High Court of Punjab and Haryana in C.W.P.No.588 of 1998, titled Sant Prakash Vs. The State of Haryana, wherein in an emergency case the patient had to be immediately admitted in hospital, the relief has been granted. In the present case also the appellant's husband had to be rushed to the private hospital because he had developed a paralytic stroke on the left side of the body, as there

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was blood clotting on the right side of the brain and therefore, was admitted in an emergency condition in the hospital. In the present case the discharge certificate also shows that the case was an emergency one. In Sant Prakash case (supra) the Division Bench held that the petitioner therein would be entitled to 100% medical expenses at the AIIMS rates and 75% of the expenditure in excess thereto.

In the result, in this appeal also, the appellant herein would be entitled to get the refund of the amount of 100% medical expenses at the AIIMS rates and 75% of the expenditure in excess thereto.

In the result, the appeal is allowed. No costs.

.....J.

(K.G.BALAKRISHNAN)

.....J.

(DR.AR. LAKSHMANAN)

NEW DELHI;

6th AUGUST, 2004

ITEM No.201

Court No. 7

SECTION IVB
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.3896/2001
(From the judgement and order dated 18/10/2000 in CWP 14231/00)

of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SUMAN RAKHEJA

Petitioner (s)

VERSUS

STATE OF HARYANA AND ANR.

Respondent (s)

(With Appln(s). for permission to place addl. documents on record)
(For Final Disposal)

Date : 06/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)Mr.Ravi Kant Sharma, Adv.
Mr. A.P. Mohanty,Adv.

For Respondent (s)Ms. Kavita Wadia, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(G.V. Ramana)
Court Master

(Veera Verma)
Court Master
(Signed order is placed on the file)