

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(s).12161/2013

(From the judgement and order dated 03/12/2012 in FA No.636/2007 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

E.S.I.C & ANR.

Petitioner(s)

VERSUS

SUDHA DHOBRIYAL & ANR.

Respondent(s)

(With prayer for interim relief )

Date: 08/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR JUSTICE KURIAN JOSEPH

For Petitioner(s)

Ms. Sonam Anand, Adv.  
Mr. Nimit Mathur, Adv.  
Mr. Murari Kumar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This petition is directed against order dated 3.12.2012 passed by the National Consumer Disputes Redressal Commission, New Delhi whereby the appeal preferred by the petitioners against the order passed by the State Consumer Disputes Redressal Commission was substantially dismissed inasmuch as the finding recorded by the State Commission on the issue of medical negligence on the petitioners' part in treating the respondent No.1 was upheld but the amount of compensation was reduced from rupees twenty lacs to rupees fifteen lacs and twenty thousand.

We have heard Ms. Sonam Anand, learned counsel for the petitioners for some time and carefully scanned the record.

In our view, the finding recorded by the two consumer forums on the issue of medical negligence on the part of the petitioners is based on correct analysis of the pleadings of the parties and the documents produced by them and the impugned order does not suffer from any legal infirmity requiring interference by this Court under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

However, it is made clear that in case the respondent no.1 seeks enhancement in the amount of compensation, the dismissal of the special leave petition filed by the petitioners shall not adversely affect her cause.

| (Parveen Kr.Chawla)

| Court Master

| | (Phoolan Wati Arora)

| | Court Master