

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). 4806-4807 OF 2013
(For prel.hearing)

KAMAL PRIT PALTA & ANR. Appellant (s)

VERSUS

VIKAS RANA & ORS. Respondent(s)

(With appln(s) for ex-parte stay and office report)

Date: 12/07/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE MADAN B. LOKURFor Appellant(s) Mr. R.M.Aggarwal,Adv.
Mr. V.Sushaw Gupta,Adv.
Dr. Kailash Chand,Adv.

For Respondent(s)

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

The appeals stand disposed of.

[SUMAN WADHWA]
AR-cum-PS[SNEH LATA SHARMA]
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4806-4807 OF 2013

KAMAL PRIT PALTA & ANR. .. APPELLANT(S)

vs.

VIKAS RANA & ORS. .. RESPONDENT(S)

O R D E R

Heard learned counsel for the appellants. He submits that the National Commission should not have declined to take the written statement of the appellant on record merely for the reason of delay. The National Commission has relied upon a judgment of three judges of this Court in Dr. J.J.Merchant and Ors. vs.

Shrinath Chaturvedi reported in (2002) 6 SCC 635.

The counsel submits that he has applied for review and that review application bearing No. RA 216 of 2013 is also rejected. He, however, states that the appellant is prepared to deposit half of the amount of the claim which is filed by the respondent. In view of the death of the concerned patient, the amount claimed is one crore and sixty six lakhs. Since there are two respondents, we permit the appellants to deposit Rs. 83,00,000/- (rupees eighty three lakhs) in

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the National Commission before the next date of hearing, which is 19.9.2013. The counsel states that after the amount is so deposited in the National Commission, he will apply to the National Commission for revival of the review application by filing another application for that purpose. It will be for the National Commission thereafter to consider whether the application should be entertained or not. It will be open to the National Commission to take appropriate decision on facts as well as in law.

The appeals stand disposed of.

.....J.
(H.L. GOKHALE)

.....J.
(MADAN B. LOKUR)

New Delhi,
July 12, 2013.