

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3637 OF 2011

DR. SUNNY MATHEW

APPELLANT(S)

VERSUS

THOMASKUTTY SEBASTIAN

RESPONDENT(S)

O R D E R

The challenge in the present appeal is to an order passed by the National Consumer Disputes Redressal Commission (in short, 'NCDRC') on 28.07.2009 whereby a compensation of Rs.1,00,000/- (Rupees One Lakh) apart from interest on the said compensation, awarded by the State Consumer Disputes Redressal Commission (in short, 'State Commission') on account of alleged negligence on the part of the appellant was not interfered with.

We have heard learned counsel for the parties and find that the grievance of the appellant is the finding of medical negligence in treating the deceased, wife of the respondent recorded against her. Since the State Commission and the NCDRC have concurrently given a compensation of Rs.1,00,000/- on account of death of 32 years woman, wife of the respondent, we do not wish to interfere in the amount of compensation awarded.

However, we deem it fit in the facts and circumstances of the case, to set aside the finding of medical negligence recorded against the appellant. The compensation of Rs.1,00,000/- along with interest be treated as *ex-gratia* payment on behalf of the appellant.

With the aforesaid observations, the appeal is disposed of.

Pending application(s), if any, also stand disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
16TH SEPTEMBER, 2021

ITEM NO.110

COURT NO.11

SECTION XVII-A

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(s). 3637/2011

DR. SUNNY MATHEW

Appellant(s)

VERSUS

THOMASKUTTY SEBASTIAN

Respondent(s)

Date : 16-09-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Ms. Bina Madhavan, Adv.
Ms. Rao Vishwaja , Adv
for M/S. Lawyer S Knit & Co, AOR

For Respondent(s) Mr. Ramesh Babu M. R., AOR

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

The appeal is disposed of in terms of the signed order.
Pending application(s), if any, also stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(Signed order is placed on the file)