

ITEM NO.1503

COURT NO.9

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).3975/2018

M.A. BIVIJI

Appellant(s)

VERSUS

SUNITA & ORS.

Respondent(s)

([HEARD BY: HON. HRISHIKESH ROY AND HON. MANOJ MISRA, JJ.]
IA No. 58433/2018 - STAY APPLICATION)

WITH

C.A. No. 4847/2018 (XVII-A)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 67576/2018
FOR MODIFICATION ON IA 81094/2018
IA No. 67576/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 81094/2018 - MODIFICATION)

Diary No(s). 21513/2018 (XVII-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 126887/2018
FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA
126888/2018
FOR STAY APPLICATION ON IA 126889/2018
IA No. 126887/2018 - CONDONATION OF DELAY IN FILING
IA No. 126888/2018 - CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS
IA No. 126889/2018 - STAY APPLICATION)

Date : 19-10-2023 These appeals were called on for pronouncement of
judgment today.

For Appellant(s) Mr. Shantanu Sagar, AOR

Mr. Vinod Kumar, Adv.
Mr. Rajesh Kumar, AOR
Mr. Keshav Sharma, Adv.
Mr. Devavrat Anand, Adv.
Mr. Rahul Krishna, Adv.

Mr. Shakul R. Ghatole, Adv.
Mr. Dipenn Jagyasi, Adv.
Mr. Sudhanshu S. Choudhari, AOR

For Respondent(s) Mr. Rajesh Kumar, AOR
Mr. Vinod Kumar, Adv.
Mr. Keshav Sharma, Adv.
Mr. Siddharth Singh, Adv.
Mr. Rahul Krishna, Adv.
Mr. Rajkumar Prasad, Adv.
Mr. Devavrat Anand, Adv.

Mr. Sudhanshu S. Choudhari, AOR

O R D E R

Hon'ble Mr. Justice Hrishikesh Roy pronounced the reportable judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Manoj Misra.

The operative portion of the judgment is reproduced hereinbelow:-

57. Resultantly, the appeal filed by Dr. M.A Biviji (Civil Appeal No. 3975 of 2018) as well as the appeal filed by Dr. Nirmal Jaiswal, Dr. Madhusudan Shendre and Suretech Hospital (Civil Appeal arising out of Diary No. 21513 of 2018) are allowed to the extent that the charges attributing medical negligence to Suretech Hospital, Dr. Biviji, Dr. Jaiswal, and Dr. Shendre are found not proved. The appeal filed by Mrs. Sunita (Civil Appeal No. 4847 of 2018) is accordingly dismissed. Parties to bear their own cost.

Pending application(s), if any, stand closed.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Signed Reportable Judgment is placed on the File)