

Neelu Sarin

Vs

Union of India and Others

Writ Petition (Civil) No. 603 of 1990

(M.N. Venkatachaliah, N.M. Kasliwal JJ)

(CJI Ranganath Misra, M.H. Kania JJ)

07.11.1990

ORDER

1. Application for impleading minor heirs is allowed.

2. We had adjourned this matter after the allegations and counter-allegations contained in the affidavits of parties had been looked into requesting counsel for the parties to find out ways and means for a just solution. It is reported by learned Solicitor General to us that no settlement is possible in view of the fact that the stand taken by the petitioner for claiming compensation is that there was negligence on the part of the doctor and the doctor's stand in the counter-affidavit is that there was no negligence. The basic facts appear to be disputed and, therefore, investigation becomes necessary. We do not think a proceeding under Article 32 of the Constitution would be the appropriate one to quantify the compensation in case anything is at all payable, in such a proceeding. We, therefore, think it appropriate that the petitioner should be relegated to a suit in accordance with law for the claim of compensation. In the event of such a suit being instituted, the trial Judge is directed to expedite disposal thereof taking it as a special one in the facts and circumstances of the case.

3. So far as the question of extending the services of the medical centre to the members of the bar and the visiting clients, we had heard counsel on the earlier occasion. Mr. K.K. Venugopal as the President of the Supreme Court Bar Association had also addressed us. We do not think it will be possible for this small unit to cater to the needs of the entire bar as also the litigants in view of the fact that it is a unit of the CGH Scheme which does not permit service as such to be provided to outsiders. But, we have been assured and the doctor - respondent 3 in his affidavit has also reiterated the position that on human consideration anyone requiring immediate treatment and attention would be provided the same as and when the services of the doctor are requisitioned in the event of any emergency. Writ petition is disposed of accordingly. No costs.

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