

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 885 of 2023

Petitioner :- Raja (Minor) And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Kamlesh Prasad, Akhilesh Bharti, Buddhi Prakash

Counsel for Respondent :- G.A., Anand Kumar Singh

Hon'ble Mrs. Jyotsna Sharma, J.

1. Case called out in the revised list. None responds for the petitioners. Heard Sri L.D. Rajbhar, learned AGA for the State and Sri Anand Kumar Singh, learned counsel for respondent nos. 4 and 5.

2. Counter affidavit filed on behalf of the respondent nos. 4 and 5 is taken on record.

3. It is submitted by the private respondents that the corpus-Raja has already been discharged from the hospital and this is the reason why none is appearing on behalf of the petitioners in this case. Further it is submitted that though patient has been discharged, however the medical bills are still remained due on him.

4. My attention has been drawn to the previous order of this court dated 17.10.2023. Relevant portion is as below:-

"3. In the counter affidavit in nutshell, it is submitted that two more procedures are needed on the patient for his full recovery from the injuries, which included the support of external fixation and a bone grafting. It is mentioned in the counter affidavit that if this procedure is not undertaken, serious complications of infection and osteomyelitis and non union of bones may occur. Secondly, the procedure for fixation of nerve injury is required for avoiding the radial nerve palsy. It is mentioned that prognosis of the patient was explained to his attendants but they did not respond. The patient suffers from emergency medical condition and his injuries are serious in nature. Had he been not given timely medical treatment, he might have faced amputation of his hand but that has been avoided by giving him suitable expert urgent medical care.

4. The respondents submit that the patient has been discharged against medical advice. The father of the corpus, his real brother and one more are present in person before this Court. His medical condition, as disclosed from the counter affidavit, has been explained to them in the open Court.

5. It is mentioned in para-7 of the counter affidavit that the patient deposited some money for the treatment. The charges included cost of surgery, bed, ICU charges, medicine implant, implant cost, blood transfusion, plaster and nursing and anesthesia charges and at present an amount of Rs. 1,67,630/- is outstanding. The request of the respondent is that the dues may be paid by the other side. The parties agree and assure that they will work out the pending bills.

6. Put up as fresh on 31.10.2023."

5. It is contended that the petitioners have not been cooperating with the respondents and this habeas corpus writ petition has been filed just to avoid the payments of dues.

6. This is indisputable that the patient has been released/discharged from the hospital against medical advice, therefore, in my view no cause of action is surviving. Hence this habeas corpus writ petition is dismissed, as having become infructuous.

7. Regular remedies for recovery of dues remain open. Subject to this observation, this habeas corpus writ petition is hereby **dismissed**.

Order Date :- 31.10.2023

#Vikram/-