

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 36041 of 2015 (E)

PETITIONER(S) :

1. DR.S.JAYARAJAN AGED 58 YEARS
S/O. SAHADEVAN, PADMA BHAVANAM, MANGALAM P.O.
ARATTUPUZHA, ALAPPUZHA.
2. PUSHPAKUMARI AGED 34 YEARS
W/O. HARI, THUNDIYUZHATHIL HOSUE, WEST OTHARA P.O.
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENT(S) :

1. THE DISTRICT LEVEL AUTHORISATION COMMITTEE
FOR TRANSPLANTATION OF HUMAN ORGANS THRISSUR
REPRESENTED BY ITS CHAIRMAN.
2. LOCAL APPROVAL COMMITTEE OF ORGAN TRANSPLANTATION
MEDICAL TRUST HOSPITAL, ERNAKULAM, KOCHI - 682 016
REPRESENTED BY ITS CHAIRMAN.
3. THE DEPARTMENT OF NEPHROLOGY
MEDICAL TRUST HOSPITAL, ERNAKULAM, KOCHI - 682 016
REPRESENTED BY ITS HEAD OF DEPARTMENT.

R2 & 3 BY ADV. SRI.R.S.KALKURA
ADV. SRI.M.S.KALESH
ADV. SRI.HARISH GOPINATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXT.P1 - TRUE COPY FO THE RATION CARD INDICATING THE RELATIONSHIP BETWEEN THE PARTIES.
- EXT.P2 - TRUE COPY OF THE TAX RECEIPT EVIDENCING THE PAYMENT OF TAX BY FIRST PETITIONER'S SISTER.
- EXT.P3 - TRUE COY FO THE TAX RECEIPT EVIDENCING THE PAYMENT OF TAX BY FIRST PETITIONER'S BROTHER-IN-LAW.
- EXT.P4 - TRUE COPY OF THE CERTIFICATE OF BIRTH ISSUED BY REGISTRAR BIRTHS AND DEATHS ALAPPUZHA MUNICIPALITY.
- EXT.P5 - TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF OVERSEAS CITIZEN OF INDIA ISSUED IN FVOUR OF FIRST PETITIONER'S SISTER.
- EXT.P6 - TRUE COPY OF THECERTIFICATE OF REGISTRATION OF OVERSEAS CITIZEN OF INDIA ISSUED IN FAVOUR OF FIRST PETITIONER'S BROTHER-IN-LAW.
- EXT.P7 - TRUE COPY OF THE PASSPORT OF NIDHI DHARITHREESAN.
- P8 - TRUE COPY OF THE LETTER DT. 02.11.2015 ISSUED BY DOCTOR THIBIN D SATHA, M.D, NEPHROLOGY, 110 HOSPITAL ROAD, SUITE 301, PRINCE FREDERICK, MARY LAND - 20678.
- EXT.P9 - TRUE COPY OF THE DECLARATION CUM AFFIDAVIT OF THE SECOND PETITIONER
- EXT.P10 - TRUE COPY OF THE COMMUNICATION DT. 25.11.2015 ISSUED BY THE THIRD RESPONDENT.
- EXT.P11 - TRUE COPY OF THE DONOR RECIPIEN APPLICATION FROM DT. 19.11.2015.
- EXT.P12 - TRUE COPY OF THE APPLICATION FORM OF THE DONOR DT. 19.11.2015.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

P.A TO JUDGE

vdv

A.MUHAMED MUSTAQUE, J.

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W.P(C)No.36041 of 2015

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Dated this the 3rd day of December, 2015

JUDGMENT

First petitioner is the uncle of Ms.Nidhi Dharithreesan, currently working in USA. Ms.Nidhi Darithreesan is a renal patient. She requires transplantation of kidney. The 2nd petitioner has come forward to donate kidney.

2. Since Ms.Nidhi Dharithreesan is working abroad, she has approached 2nd and 3rd respondents through 1st petitioner. 2nd and 3rd respondents insisted 1st petitioner to produce certain documents as per Ext.P10, which includes Ration Card, Voters ID, Passport, Driving Licence, PAN card, Aadhar card and such other documents referred therein. Petitioner is unable to produce documents mentioned as Ration Card, Voters ID, Driving Licence, PAN card and Aadhar card as she is a Non Resident Indian. Petitioner submits that other documents will be made available. It is also submitted that 2nd petitioner is asked to produce all the requisite documents.

3. This Court is of the view, the respondents shall not insist for production of Ration Card, Voters ID, Driving Licence, PAN card and Aadhar card as the recipient is a Non Resident Indian. The signature of the recipient also shall not be insisted. 2nd and 3rd respondents are directed to forward the application with copy of the passport excluding other details mentioned therein. 1st respondent shall also not insist production of Ration Card, Voters ID, Driving Licence, PAN card and Aadhar card from the recipient. Needful shall be done by the 2nd and 3rd respondents within one week from the date of receipt of copy of this judgment. Thereafter, 1st respondent shall consider the same within a further period of two weeks.

Writ petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE

vdv/04/12/15