

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25381 of 2014 (O&M)
Date of Decision.12.01.2015

Vijay Pal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

Present: Mr. Vaibhav Jain, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The writ petition complaining of medical negligence is not an appropriate remedy. The petitioner complains that the petitioner's daughter died on account of lack of proper medical care at the time of delivery. A notice appears to have been given and the petitioner was involved in some form of enquiry but the outcome of the same is not known even after the information was sought to be elicited through an application under RTI. The case would require evidence to be given and the doctor to be examined for better appraisal that there had been lack of medical care or there was a deviation from the standard practice that gave rise to a deficient medical services. The better remedy would be to sue for damages in a properly instituted civil suit if such evidence is necessary or for deficiency of service before the consumer forum or the State Commission depending on the amount which is claimed. The writ remedy will not be appropriate and I decline to make any intervention in

favour of the petitioner.

2. The writ petition is disposed of with liberty to approach the appropriate authority in the manner indicated above.

(K. KANNAN)
JUDGE

January 12, 2015
Pankaj*