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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 26.09.2017

+ W.P.(C) 9583/2016 & CM No. 38400/2016

AMAL SHARMA

..... Petitioner

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rakesh Mishra, Adv.

For the Respondents : Mr Akhil Sibal, Amicus Curie
Mr. Gautam Narayan, ASC with Mr. R.A. Iyer,
Adv. for GNCTD
Mr Vivek Tandon for Canara Bank
Mr. Gaurav Bahl, Adv. for R-3
Mr.Jagdev Singh, Mr. K.S. Negi and Mr. Sachin
Saini, Advs. for R-4

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner had filed this petition seeking direction to the Canara Bank to release funds from the amount lying in the bank account of Dr. Abha Chaudhary.

2. Dr. Abha Chaudhary was in a stage of coma.
3. Substantial amount was required for settling the medical bills and for her treatment.
4. The petitioner claims to be the husband of Dr. Abha Chaudhary and had contended that he had no funds for her treatment, though substantial amounts of over Rs. 5 crores was lying in a fixed deposit in her name with Canara Bank.
5. By way of an interim arrangement and with a view to ensuring that Dr Abha Chaudhary gets appropriate medical treatment, by order dated 19.10.2016 and the subsequent orders, directions were issued for release of some money to the hospital. Earlier the petitioner and later respondent No. 4 (her mother) were directed to furnish Indemnity Bonds to the Bank for release of funds for clearance of the Hospital Bills. The payments were made directly to the Hospital towards its Bills.
6. Learned counsel for the Canara Bank had submitted that the interest income being earned on the said fixed deposit was sufficient to cover the medical expenditure. Accordingly, ad-interim directions were issued from time to time to Canara Bank for release of fund from the interest that had been earned on the said fixed deposit for settlement of the said medical bills of Dr. Abha Chaudhary.
7. By order dated 19.12.2016, Mr. Akhil Sibal, Sr. Advocate was

requested to assist the court as an Amicus Curiae in the matter. Learned Amicus Curiae was also directed to scrutinize the bills submitted by the hospital from time to time.

8. There were certain disputes between the petitioner who claimed to be the husband of Dr. Abha Chaudhary and Respondent No. 4 i.e. the mother of Dr. Abha Chaudhary.

9. However, keeping in view the interest of Dr. Abha Chaudhary who was admitted in hospital and was in a state of coma, directions were issued from time to time, without prejudice to the disputes inter-se the petitioner and the mother of Dr. Abha Chaudhary.

10. Dr. Abha Chaudhary has expired on 18.08.2017.

11. Learned counsel appearing for respondent no. 3- Shri Mool Chand Khairati Ram Hospital & Ayurvedic Research Institute submits that an amount of Rs. 13,76,532/- is the balance amount payable to the hospital towards the pending bills for treatment of Dr. Abha Chaudhary.

12. Learned Amicus Curiae submits that he has examined the bills and found no discrepancy in the bills.

13. In view of the above, Canara Bank is directed to release a sum of Rs. 13,76,532/- from the said account of Dr. Abha Chaudhary directly to the said Hospital in full and final settlement of all its claims towards the treatment of Dr Abha Chaudhary. The amount be paid

within two weeks.

14. Learned counsel for the petitioner and Respondent No. 4 submit that Dr Abha Chaudhary died issueless. Learned counsel for petitioner submits that she has left behind a Will in favour of the Petitioner. This is disputed by the Defendant No. 4. It is contended by the Petitioner that her estate would devolve on the petitioner and learned counsel for the Respondent No. 4 submits that her estate has devolved solely on Respondent No. 4.

15. Both learned counsel for the petitioner and respondent No. 4 submit that, without prejudice to their respective claims, they have no objection if the entire amount spent on the treatment of Dr Abha Chaudhary, is deducted from the estate of Dr Abha Chaudhary.

16. In view of the above, it is directed that the said sum of Rs. 13,76,532/- would be released by Canara Bank to the hospital without the requirement of any Indemnity Bond.

17. It is further directed that the Indemnity Bonds furnished by the petitioner and respondent No. 4, in terms of orders of this court for release of funds for the settlement of bills of the said Hospital for the treatment of Dr Abha Chaudhary, shall stand discharged. The Canara Bank shall also be absolved of its liability to the said extent including the amount of Rs. 13,76,532/- directed to be paid hereunder.

18. With regard to the inter-se dispute of the petitioner and

respondent No. 4 about the right to inheritance to the estate of Dr Abha Chaudhary, it is clarified that this court has neither examined nor opined on the same and it would be open to her legal heirs to stake and establish their claims in accordance with law.

19. In view of the above, no further orders are called for in the writ petition. The petition is accordingly disposed of.

20. This court appreciates the assistance rendered by learned Amicus Curie.

Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 26, 2017

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