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

+ LPA 667/2018

BASANT LAL SHARMA Appellant

Through: Mr. Anil Dutt Sharma and
Mr. Kamal, Advs.

versus

DELHI MEDICAL COUNCIL & ORS Respondents

Through: Mr. Praveen Khattar with Mr. Bapi
Das, Advs. for R-1.

Mr. T. Singhdev with Ms. Puja Sarkar,
Ms. Biakthansangi Das & Mr. Abhijit
Chakravarty, Advs. for R-2.

Ms. Monika Arora, CGSC with Mr. Kushal Kumar
& Mr. Harsh Ahuja, Advs. for UOI.
Mr. Samaksh Goyal, Adv. for GNCTD/R-5.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

03.12.2018

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1. Seeking exception to an order dated 10.10.2018 passed by the writ court in W.P.(C) 10865/2018, appellant has filed this appeal under Clause 10 of the Letters Patent.
2. Impugning order dated 09.11.2016 passed by the Delhi Medical Council and the order of the appellate authority i.e. Medical Council of India dated 10.11.2017 dismissing the appeal of the appellant, the writ petition in question was filed by the appellant. It was the case of the appellant that his

wife was diagnosed with “*Non Hodgkin Lymphoma with splenic abscess*” who was administered chemotherapy. She was admitted to Sir Ganga Ram Hospital on 12.07.2014 and remained under treatment in the said hospital upto 03.08.2014. Thereafter again admitted on 21.02.2015 and discharged on 28.02.2015. On 23.02.2015, a laparoscopic splenectomy was performed for removal of her spleen. However, even thereafter she suffered from the ailment. On 08.06.2015, she was again admitted to the hospital where she remained admitted upto 18.06.2015 and ultimately succumbed to the ailment and expired on 18.06.2015 while undergoing treatment in Sir Ganga Ram Hospital.

3. Complaining of medical negligence and making allegations of tampering of record and various other infirmities in the treatment recorded, a complaint was filed before the Delhi Medical Council. The Disciplinary Committee of the Delhi Medical Council examined the same and rejected the complaint. Appeal filed before the Medical Council of India was also dismissed and thereafter the writ court after examining the detailed report of the Delhi Medical Council and the appellate authority i.e. Medical Council of India refused to interfere into the matter. Even though learned counsel tried to argue that the evidence recorded before the Delhi Medical Council and the appellate authority i.e. Medical Council of India are perverse and the learned writ court without taking note of various aspects of the matter has dismissed the writ petition, we are of the considered view that two expert bodies, namely, the Delhi Medical Council and the Medical Council of India have evaluated the matter in detail and the expert bodies have given their opinion and rejected the complaint of the appellant, which has been affirmed by the learned writ court by a detailed order. The concurrent findings

recorded by both the technical Councils experts in the subject and its approval by the writ court does not call for interference now in exercise of further judicial review at this stage in this appeal.

4. Accordingly, finding no ground for intervention, the appeal stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 03, 2018

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