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

+ **W.P.(C) 12831/2018**

MAHESH KUMAR

..... Petitioner

Through: Mr R. Aditya and Mr Rahul Kumar,
Advocates.

versus

SAFDARJUNG HOSPITAL & ORS

..... Respondents

Through: Mr P.S. Singh, Senior Panel Counsel
with Ms Annu Singh and Mr Rajpal
Singh, Advocates for R-1.

Mr Praveen Khattar, Advocate for R-
2/DMC.

Mr Devesh Singh, ASC, Civil,
GNCTD with Ms Urvashi Tripathi,
Advocate for R-3/GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.11.2018

CM APPL. 49778/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed.

W.P.(C) 12831/2018 and CM APPL. 49779/2018

3. The petitioner has filed the present petition, *inter alia*, praying that action be taken against the doctors of respondent no.1 hospital. It is the petitioner's case that the said doctors were negligent in treating the minor son of the petitioner who is left with the disability in the left arm/hand. The petitioner also claims a compensation for a sum of ₹ 25,00,000/-.
4. After some arguments, the learned counsel appearing for the

petitioner seeks to withdraw the present petition with liberty to take an appropriate action. He further requests that observations be made in order that treatment can be provided to the petitioner's son in a Super Speciality hospital.

5. In view of the above, the petition is dismissed as withdrawn with the aforesaid liberty. The pending application is also disposed of.

6. It will be open for the petitioner to institute appropriate action for seeking compensation including under the Consumer Protection Act, 1986.

7. The petitioner is also at liberty to file an appropriate complaint before the Delhi Medical Council (DMC). Needless to state that if any such complaint be filed, the DMC shall examine the same in accordance with law.

8. So far as further treatment to the petitioner's son is concerned, it will be open for the petitioner to approach the Nodal Officer in any of the Super Speciality Hospital to avail of the benefits available to the patients who belongs to the EWS category as it is stated that the petitioner also belongs to the said category.

VIBHU BAKHRU, J

NOVEMBER 30, 2018
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