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

+ **W.P.(C) 4047/2019**

**BILKEES**

..... Petitioner

Through: Ms Harini Raghurathy, Advocate.

versus

**HINDU RAO HOSPITAL AND ORS.**

..... Respondents

Through: Ms Shobhana Takiar, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**22.04.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

(a) For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to conduct independent enquiry and take necessary action against the concerned medical healthcare providers at Respondent no.1 hospital for denying the petitioner adequate and timely maternal care.

(b) For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to compensate the petitioner to the extent of 17,000 for all the expenses incurred due to the Respondent no. 1 Hospital's denial of maternal healthcare.

(c) For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to compensate adequately for the mental and physical trauma caused to the petitioner.”

2. It is the petitioner's case that she had undergone an ultrasound test on 10.07.2018 while she was in the 8<sup>th</sup> month of pregnancy. The ultrasound test indicated that the umbilical cord was looped around the

neck of the foetus and this required proactive management. She claimed that she visited the emergency department of respondent no.1 hospital but was denied treatment by the said hospital on the ground that respondent no.1 hospital does not provide facilities for the delivery of a second child. It is stated that since petitioner had given birth to her child three years earlier, respondent no.1 declined to provide her any treatment. The petitioner further claims that in the circumstances, she was forced to avail of medical assistance from a private hospital – Grover Medical Centre – and had to incur expenditure to the extent of ₹17,000/-.

3. There is no material on record to indicate that the petitioner had been denied medical treatment by respondent no.1. The Government of NCT of Delhi has also appointed Nodal Officers, who are available in all hospitals. In cases of unjustified denial of treatment, it is open for the concerned patient to approach the Nodal Officer for seeking immediate relief. Admittedly, the petitioner did not approach the concerned Nodal Officer.

4. There is no policy of respondent no.1 which provides for denial of medical assistance in respect of delivery of a second child or successive children. Thus, it is difficult to understand that the petitioner's treatment had been denied on the said ground.

5. In view of the above, this Court does not consider it apposite to entertain the present petition. The same is, accordingly, dismissed.

**VIBHU BAKHRU, J**

**APRIL 22, 2019/MK**