

CHHINDERPAL KAUR AND ANR
V/S
UNION OF INDIA AND OTHERS

Present: Mr. Kanishk Lakhanpal, Advocate for the petitioners.
Mr. Satish Singla, Advocate for respondent Nos.1 & 2.
Mr. Mehtab Singh Khaira, Advocate for respondent No.3
along with respondent No.3 and her brother.

Case was disposed of vide order dated 05.03.2020, directing postmortem of deceased Amrinder Singh, s/o late Shri Dhana Singh to be carried out by a duly constituted medical board by the PGI authorities and only thereafter action be taken on the brain stem death certificate (Annexure-I) in terms of the no objection given by the petitioners, as well as respondent No.3 in Court for utilization of the organs of the deceased in accordance with law.

The above mentioned orders are modified to the extent that in view of the case being a medico legal case, donation of organs of the deceased as also postmortem of the deceased be carried out as per the procedure stipulated in Rule 6 of the Transplantation of Human Organs and Tissues Rules, 2014 (hereinafter referred to as '*the Rules*') and other provisions of law applicable after obtaining the requisite consent in writing from respondent No.3 in addition to the written consent of the petitioners already obtained in order to ensure that the organs of the deceased can be utilized for transplantation while ensuring that postmortem is conducted as per rules applicable and by following the procedure stipulated in the Transplantation of Human Organs and Tissues Act, 1994 & Rules.

Presence of Mr. Mehtab Singh Khaira, Advocate, on behalf of respondent Nos.1 & 2 in order dated 05.03.2020 be read as on behalf of

respondent No.3 only, while presence of Mr. Satish Singla, Advocate, for respondent No.3 be read in order dated 05.03.2020 as on behalf of respondent Nos.1 & 2.

This order be read as part of the orders dated 05.03.2020.

Copy of this order be given forthwith to learned counsel for the parties under signatures of the Bench Secretary to enable appropriate action to be taken.

(B.S. WALIA)
JUDGE

March 06, 2020
'rajneesh'