

Manual, 2012 and were thereby negligent in handling the case of patient Deepak, as per the Rules.

3. Respondents No.2 and 3 had filed the application under Section 22 C of the Legal Services Authority, 1987 before Permanent Lok Adalat, Public Utility Services, Rewari. It was their case that their son Deepak met with a road accident at about 5.00 am on 04.04.2015. He was admitted in appellant No.1- hospital on the same day at 8.35 am. He was unconscious. They had requested the hospital to inform the local police by sending a ruqa but the hospital insisted on treating the patient before sending the ruqa. Deepak succumbed to his injuries on 06.04.2015. The hospital had charged an amount of Rs.1,20,000/-. Further, despite their request, the appellants did not conduct the postmortem on the dead body of Deepak.

4. The case of the appellants was that no request had been made by respondent No.2 and 3 for sending ruqa to the Police. The patient was brought by his brother-in-law Ashok Saini to the hospital. He was asked to take the patient to Civil Hospital, Rewari for medico- legal examination. But he refused to take the injured to the Civil Hospital. Rather he gave a letter to the hospital that the accident was not on account of fault of any person and that he did not want to get any MLR or FIR during the course of treatment or in future.

5. The Ld. Lok Adalat referred to the provisions of paragraph No.10, 11, 16, 23 and 34 of the Haryana Medico Legal Manual, 2012 as per which the consent or permission of the relatives is not required for

conducting the medico legal/ postmortem examination. It came to the conclusion that the appellants had not performed their duty as per Haryana Medico Legal Manual, 2012 and accordingly, they were directed to refund the medical charges to respondents No.2 and 3.

6. The Ld. Single Judge referred in detail to the provisions of 2012 Manual and concluded as under:-

“A conjoint reading of the relevant clauses of the Manual referred to herein above would leave no matter of doubt that the admission of Deepak Kumar (since deceased) was a medicolegal case. Rather it is the pleaded case of the petitioners themselves that they had informed the attendant that being a medicolegal case, the patient be taken to Civil Hospital, Rewari. Heavy reliance has been placed upon the writing dated 4.4.2015 (Annexure P-2) given by the attendant i.e. brother-in-law of the deceased that he does not want to lodge any FIR or to get the M.L.R done. Even if that be so, petitioner no.1 hospital as also petitioner no.2 doctor were not absolved of their obligation and duty as per provisions of the Manual. Undoubtedly as per clause 34 immediate treatment to the patient was the first concern. Yet information ought to have been sent by the petitioners to the concerned police authorities. They failed to do so. Under clause 11 relating to death of a medicolegal case, the police officer incharge of the police post/police station of the area is to be informed immediately and a note to such effect is to be recorded on the file of the deceased. The body of a medicolegal case is to be removed to the mortuary and is not to be handed over to the relatives of the deceased without a post mortem. The submission raised by counsel that there was no post mortem facilities at the private hospital and such procedure was to be conducted only at the

Civil Hospital, Rewari, is irrelevant. Onus was upon the petitioners to have informed the police authorities concerned immediately upon the death of the patient namely Deepak Kumar being a medicolegal case. This would have facilitated the removal of the body to the Civil Hospital concerned for conduct of a post mortem examination. The petitioners have failed on such count as well. Needless to observe that the parents of the deceased (respondents no.2 and 3 herein) have been seriously prejudiced for purposes of filing a claim petition under the Motor Vehicles Act seeking compensation in the absence of the FIR as also a post mortem examination.”

- 7. It has been found that the appellant hospital was remiss in complying with the mandate of the Haryana Medico Legal Manual, 2012 in as much as no intimation was sent to the police which also resulted in non-conduct of the post mortem of the deceased.
- 8. There is no illegality or infirmity in the aforesaid order.
- 9. The appeal is accordingly dismissed.

(RAJIV SHARMA)

JUDGE

(HARINDER SINGH SIDHU)

JUDGE

January 31, 2020
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No