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

Date of Decision: 02nd August, 2021

+ LPA 215/2021, CM APPL.23436/2021 & 23437/2021

SHANTI DEVI

..... Appellant

Through Ms. Harini Raghupathy, Advocate

Versus

SAFDARJUNG HOSPITAL & ORS.

..... Respondents

Through Mr. Sameer Vashisht, Additional
Standing Counsel (Civil) GNCTD
with Ms. Sanjana Nangia Advocate
for R-2&4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

Proceedings have been conducted through video conferencing.

CM APPL. 23437/2021 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

CM APPL. 23436/2021 (Condonation of delay)

Present application has been preferred under Section 5 of the Limitation Act read with Section 151 CPC seeking condonation of delay of 694 days in filing the present appeal.

Having heard learned counsels for the parties and looking to the reasons stated in the application, we are of the view that the Appellant has made out a sufficient cause for condonation of delay in filing the appeal. The delay of 694 days is hereby condoned.

Application is allowed and disposed of.

LPA 215/2021

1. At the outset learned counsel appearing for the Appellant submits that suffice would it be for the disposal of this Letters Patent Appeal, if liberty is reserved with the Appellant to file a civil suit claiming damages, as prayed for in the writ petition, out of which the present Appeal arises.
2. In view of this limited submission and also looking to the averments and allegations made in the writ petition and the judgement dated 26.11.2018 passed by the learned Single Judge in W.P. (C) No. 9499/2017, we see no reason to entertain this Appeal. The learned Single Judge has rightly observed that disputed questions of facts as averred in the writ petition cannot be decided in a writ jurisdiction.
3. The Appeal is accordingly disposed of granting liberty to the Appellant to resort to appropriate remedies available to the Appellant for claiming damages/compensation against the Respondents, in accordance with law.
4. Needless to state that if and when the Appellant approaches the appropriate Forum for claiming damages/compensation, the concerned Court shall decide the matter in accordance with law, without being influenced by the order of this Court in the present Appeal or the order of the learned Single Judge impugned herein. We make it clear that this Court has not expressed any opinion on the merits of the claim.

CHIEF JUSTICE

JYOTI SINGH, J

AUGUST 02, 2021/rk