

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16690 of 2015

Dr. Major Durga Shankar S/o Bhawani Shankar Proprietor, Bhawani Hospital and Research Institute, Power House Chowk, Maripur, Muzaffarpur, resident of Mohalla - Nai Bazar, Ali Mirja Road, P.S. - Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deputy Director, Employees State Insurance Limited, Panchdip Bhawan, Jawaharlal Nehru Marg, Patna.
3. Madhvendra Kumar Complainant / Claimant S/o late Jagarnath Chaudhary @ Late Jagarnath Choudhary r/o village - Kharayna Jayram, P.O. - Kharauna Dih, P.S. - Kurhani, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar @ S.K., Advocate
For the State	:	Mr. Manoj Kumar Sinha, AC to GA-9
For the Respondent No. 2:		Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-03-2023 The present writ petition has been filed seeking the following relief:-

“(1) That, the present writ application in the nature of "certiorari is being filed on behalf of the petitioner for quashing the order dated 03.09.2015, passed by the president of District Consumer Dispute Redressal Forum, Muzaffarpur in Case no.-187/2015 [Madhvendra Kumar Vrs. Dr. (Major) Durga Shankar & Another], whereby and whereunder aforesaid Forum admitted the frivolous claim complaint filed by the complainant/



Respondent no.-3 and issued show cause notice on 08.09.15 against the petitioner for appearing on 14.10.2015 spite of lacking of all three essential components of negligence as "duty", "breach" and "resulting damage" in the plaint as well as without support of an opinion of any medical expert in respect of alleged medical negligence."

At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, for redressal of his aforesaid grievances.

Liberty so sought is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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