

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

214

CWP-4511-2018 (O&M).
Date of Decision: 29.08.2023.

SHIV SHAKTI AND OTHERS

.. Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Parminder Singh, Advocate, for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present writ petition is for seeking issuance of directions to the respondents to investigate the matter of sheer medical negligence on the part of respondents No.6 and 7 and also to award compensation to the petitioners herein.

Written statement on behalf of Dr. Ashwani Kumar Ahuja, Chairman, District Board for Medical Negligence-cum-Civil Surgeon, Karnal has been filed on behalf of respondents 1 to 4, 6 and 7 wherein it is submitted that there was no negligence on the part of the attending doctors in treating the patient as well as in conducting the delivery and that an enquiry had been duly conducted into the same. It is also averred that in the absence of any established medical negligence, the disputed questions of fact cannot be adjudicated by way of a writ petition.

Even though the said response had been filed on 20.04.2018, however, no rejoinder controverting the same has been filed till date despite a lapse of more than 05 years.

Since disputed questions of fact are involved in the present case, learned counsel for the petitioner does not press the instant petition and prays for liberty to file an appropriate petition before the competent Forum.

Learned counsel for the respondent has no objection to the same.

Accordingly, the present petition is disposed of as not pressed at this stage with liberty to the petitioners to file an appropriate petition, if so advised, before a Competent Forum for seeking compensation.

Needless to mention that in the event of any such claim being filed, the period during which the present writ petition has remained pending before this Court shall be taken into consideration while computing the period of limitation, if any.

August 29, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No