



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.348 of 2024

Sundarlal S/o Dadarao Patil Versus State of Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri G.S. Dhaye, Counsel for Petitioner.

Shri Hrishikesh Marathe, Assistant Government Pleader for Respondent No.1.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 15th JANUARY, 2024

1. It is informed by the learned counsel for the petitioner that the office objection is already removed.
2. The petitioner's son – Badal, aged about 32 years, had a fall, as a sequel of which he underwent a surgery at the respondent No.3-hospital, which was allegedly performed by the respondent Nos.4 to 6-doctors. The surgery was performed on 11-11-2023, however Badal expired on 12-11-2023. The memorandum of post mortem examination held at the mortuary of the respondent No.6 depicts that Badal suffered a fracture on his left shoulder because of fall.
3. The dead body of Badal was thereafter shifted to the Government Medical College and Hospital, Nagpur where the post mortem was performed and the opinion about the death of Badal came to be reserved.
4. The viscera and other samples were sent for chemical analysis and part of the organs was kept for histopathology examination.
5. The reports are yet to be received and as such the final cause of death is not yet ascertained.
6. It is the contention of the learned counsel for the petitioner that the petitioner had lodged a complaint in the Police Station, Kamptee, however till this date no steps are taken by the police in the matter.
7. At the outset, we are required to be sensitive to the fact that the respondent No.2- Maharashtra Medical Council is an expert body to look into the issue of whether there exists any negligence on the part of the respondent Nos.3

and 4 in performing the operation on the deceased Badal, as could be inferred from the submissions of the learned counsel for the petitioner.

8. In this background, we are not inclined to comment anything on the merits of the matter. However, in view of the submissions made by the learned counsel for the petitioner, we deem it appropriate to direct the concerned authorities to conclude the chemical analysis and also histopathology examination and make the report available to the petitioner through the Police Station Kamptee within a period of three months from today.

9. Without expressing any opinion on the merits of the matter, we deem it appropriate to relegate the petitioner to the respondent No.2- Maharashtra Medical Council for redressal of his grievance.

10. With the aforesaid observations, the petition is disposed of. Needless to mention that Civil Application (CAW) No.135 of 2024 for removal of office objection also stand disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)