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

+ **W.P.(C) 5606/2024**

**MUNNI KUMARI**

..... Petitioner

Through: *Appearance not given*

versus

**GOVT OF NCT OF DELHI & ORS.**

..... Respondents

Through: Mr. Karn Bhardwaj, ASC with Mr. Shubham Singh and Mr. Rajat Gaba, Advocates for GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

% **01.05.2024**

**CM APPL. 25407/2024 (Exemption)**

Allowed, subject to all just exceptions.

**CM APPL. 25406/2024**

1. This application has been filed by the Petitioner seeking recall of the Order dated 23.04.2024, passed by this Court, by which the Writ Petition was dismissed for non-prosecution.
2. For the reasons stated in the application, the same is allowed and the Writ Petition is restored to its original number.
3. Application is disposed of.

**W.P.(C) 5606/2024**

4. The facts of the case reveals that the son of the Petitioner participated in a plastic surgery camp which was organized by Respondent No.3. It is stated that the son of the Petitioner passed away during the surgery and a criminal complaint has been lodged by the Petitioner against Respondent No.3 and the Doctors and Hospital Staff engaged in the surgery. It is stated



that the said criminal complaint is pending before the learned Chief Metropolitan Magistrate, Tis Hazari Courts, Delhi. It is further stated that a Status Report in the said matter has been filed by the Police and the same is being reproduced below for the sake of convenience:

*“1. It is respectfully submitted that a PCR Call vide DD No. 58A dated was received in PS Nangloi and marked to SI Ankit PS Nangloi for Necessary Action. On reaching C.D. Global hospital where the caller Ram Chander Shah s/o Shri. Kamleshwari Shahr/o H-2/111, Kunwar Singh, Nangloi, Delhi was found who stated that he had admitted his Grandson Manas s/o Roshan Kr. r/o H-2/111, Kunwar singh Nagar, Delhi. Age-5 months 15 days had expired during surgery.*

*2. During enquiry, child Manas s/o Roshan Kumar was sent to Sanjay Gandhi Hospital, Mangiol Puri, where the body of deceased Manas slo Roshan Kr. was deposited in Mortuary of SGM Hospital vide MLC No. 870/23.*

*3. A complaint LC-91/SHO/Nangloi dated 14.01.23 was filed in PS Nangloi from complainant Ram Chander Shah s/o Shri. Kamleshwari Shah r/o H-2/111, Kunwar Singh , Nangloi, Delhi who leveled allegations of medical negligence and showed suspicion of foul play on the part of doctors of C.D. Global Hospital, Swaran Park, Nangloi, Delhi.*

*4. So, the matter was sensitive and might be a case of medical negligence. Hence a medical board of doctors was constituted to conduct the Post-Mortem of the deceased child Manas s/o Roshan Kumar. Age-S Months IS days to ascertain the cause of death.*

*5. Therefore on dated 17.01.2023 Post-Mortem of the child Manas s/o Roshan Kr. r/o H-2/111, Kunwar singh Nagar, Delhi. Age-S months IS days was*



*conducted vide PM NO. 4S/23 in Maulana Azad Medical College & Lok Nayak Hospital, New Delhi and body of deceased Manas s/o Roshan Kr. was handed over to family members of deceased. Viscera was preserved and deposited in malkhana.*

*6. PM Report No. 4S/23 was received and in PM report the Provisional cause of death-Opinion will be given after the receipt of chemical analysis report and histopathological report. Viscera has been sent to FSL for Chemical analysis whose report is awaited as per the report of dated 27.03.2024.”*

5. In view of the fact that the Competent Court is in *seisin* of the present matter, this Court, at this juncture, is not inclined to interfere in the matter.
6. Confronted with this, learned Counsel for the Petitioner seeks permission to withdraw the present Writ Petition with liberty to approach the competent Court for seeking reliefs as sought for in the present Writ Petition except for prayer (d).
7. Leave and liberty, as sought for, is granted.
8. The Writ Petition is disposed of as withdrawn, along with the pending applications.
9. Liberty is also granted to the Petitioner to approach this Court if need so arises in future.
10. It is made clear that this Court has not made any observations on the merits of the case.

**SUBRAMONIUM PRASAD, J**

**MAY 1, 2024**  
*Rahul*