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

+ **W.P.(C) 5786/2025**

MUNNA LAL

.....Petitioner

Through: Dr. Amit George, Mr. Dushyant
Kishan Kaul, Advs.

versus

GOVERNMENT OF NATIONAL CAPITAL

TERRITORY OF DELHI THROUGH ITS SECRETARY & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Mr. Utkarsh Singh
and Mr. Pushkar Dwivedi, Advs. and
Mr. Naresh Kumar, Jr. Assit, SGMH.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **02.05.2025**

CM APPL.26382/2025 (Exemption)

1. Allowed, subject to all just exception.
2. Application stands disposed of.

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3. The present petition under Article 226 has been filed by the petitioner seeking the following relief/s:

“a. Declare the concerned medical officials of SGMH on duty to be guilty of medical negligence for neglecting the deceased and for being responsible for the administrative lapses that led to the deceased being refused admission without any justifiable reason, and direct the Respondents to take appropriate action against the concerned medical officials; and

b. Direct the Respondents to compensate the Petitioner to the tune of Rs. 20,00,000 [Rupees Twenty Lakhs Only], along with interest computed from the date of filing the complaint before the District Consumer Forum, for his father's death caused by the negligent treatment meted out to the deceased by the medical staff of SGMH on 18.04.2021; and



c. Direct the Respondents to pay the costs of the present petition as quantified by this Hon'ble Court; and”

4. Amongst other contentions, it is contended by the learned counsel for the petitioner that the respondent no.3/Sanjay Gandhi Memorial Hospital was remiss and acted negligently by not granting admission to the petitioner's father Sh. Ayodhya Prasad (now deceased) in its hospital on 18.04.2021.

5. It is submitted that on account thereof, the petitioner had to suffer tremendous inconvenience and had to run from pillar to post and only after several excruciating hours, the petitioner managed to get his father admitted at Vardhaman Mahavir Medical College & Safdarjung Hospital, New Delhi from where the petitioner's father was eventually discharged on 22.04.2021. It is submitted that the time spent by the deceased in running from pillar to post for nearly 7 hours prior to getting his father admitted at Vardhaman Mahavir Medical College & Safdarjung Hospital, New Delhi proved to be highly detrimental to the health condition of the petitioner's father.

6. It is submitted that resultantly, the petitioner's father ultimately passed away on 12.12.2022 i.e. within a period of less than two years from being denied admission into the respondent no.3 hospital.

7. At the very outset, it is noticed that the present petition involves highly contentious questions of fact. Whether or not any beds were available in respondent no.3 hospital / Sanjay Gandhi Memorial Hospital for accommodating the petitioner's father and providing him medical treatment on 18.04.2021 is one aspect. There is also an additional aspect as to whether the deterioration in the condition of the petitioner's father and his ultimate demise after almost 2 years, was attributable to the delay in obtaining



admission in the respondent no.3/ hospital.

8. In the opinion of this Court, adjudication of these and others attendant issues require a full-fledged trial, for which it would be appropriate to relegate the petitioner to appropriate civil remedies.

9. which is not apposite in the present proceedings under Article 226 of the Constitution of India.

10. In the circumstances, the present petition is disposed of with liberty to take recourse to appropriate civil remedies.

SACHIN DATTA, J

MAY 2, 2025/at