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

+ W.P.(C) 9204/2025 and CM APPL.39022/2025 (Stay)

SH SUNNY

.....Petitioner

Through: Ms. Shama, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Avni Singh, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **30.07.2025**

1. The present petition has been filed by the petitioner, praying that respondent no.5/All India Institute of Medical Science (AIIMS), be directed to provide medical assistance and conduct the requisite hip replacement surgery and/or render other allied medical treatment without insisting on advance payment of Rs. 3,47,824/- as per proforma invoice dated 12.04.2022 and that the entire medical procedure be carried out free of cost.
2. It is submitted that on 02.05.2015, while traveling on a motorcycle/bike along with his brother-in-law, the petitioner met with an accident. It is further submitted that the accident did not occur due to any fault of the petitioner, but rather due to the rash and negligent driving of another vehicle. Separate legal and criminal proceedings in relation to the accident, are stated to be underway.
3. It is submitted that the injuries suffered by the petitioner in the aforementioned accident are severe in nature and has resulted in 90% temporary disability in his right lower leg and 30% disability in both eyes. It



is further submitted that due to the said injuries, the petitioner has been rendered completely immovable and is dependent on his aged mother. The petitioner has already filed a MACT Case bearing no.77747/2016 titled as *Sunny v. Suraj and others*, seeking compensation in respect of the aforesaid accident.

4. It is submitted that on 12.04.2022, the doctors of respondent no.5/AIIMS gave their opinion recommending major operations/surgeries for the petitioner, however, the cost of the same was estimated at Rs.3,47,824/-. It is submitted that the petitioner is unable to arrange the said amount. Consequently, the present petition has been filed seeking a direction to respondent no. 5/AIIMS to conduct the surgery without insisting on payment of the said amount.

5. Despite notice dated 24.07.2025, none has appeared on behalf of respondent no.5/AIIMS.

6. The petitioner is unable to make out any legal basis for issuing a mandamus to the respondent no.5/AIIMS to perform the requisite surgeries free of cost.

7. However, considering the peculiar circumstances of the case, respondent no.5 is directed to provide the requisite treatment to the petitioner, including conducting the requisite surgeries, at the lowest possible cost. Respondent no.5 is also directed to make an endeavour to ascertain whether the benefit of any extant scheme can be extended to the petitioner for subsidizing the cost of treatment, and further, to examine whether the petitioner is eligible for financial assistance under any fund available for the treatment of indigent persons such as the petitioner.

8. Respondent no.2/Ministry of Health and Family Welfare, Government



of India as also respondent no. 4/Department of Health and Family Welfare, Government of National Capital Territory (GNCT) of Delhi, are also directed to depute official/s to verify the above and to liaise with the respondent no.5/AIIMS for the aforesaid purpose.

9. Respondent no.4 is also directed to ascertain whether the requisite treatment can be provided to the petitioner free of cost at any hospital under the aegis of the GNCT of Delhi. Let the same be duly intimated to the petitioner within a period of two weeks from today.

10. The present petition stands disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

JULY 30, 2025/at