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

+ **CONT.CAS(C) 1180/2024**

BHUSHAN KUMAR SINGHAL

.....Petitioner

Through: Ms. Shivangini Gupta, & Mr. Arun
Wighmal, Advs. with petitioner in
person

versus

MUKESH KUMAR SHARMA

.....Respondent

Through: Mr. Abhinav Singh, Advocate for
GNCTD with Mr, Akshay Verma &
Mr. Ramneek Mishra, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

25.03.2025

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1. Counsel for respondent apprises this Court of judgement passed on 5th October 2023 in *W.P(C)No.12723/2021* by a Coordinate Bench of this Court, which was then challenged by the petitioner before the Division Bench through *LPA No.750/2023*, in which judgment was passed on 20th November 2023.
2. It is noted that both the Coordinate Bench as well as the Division Bench of this Court have passed detailed judgments, taking into account all prior circumstances.
3. It is surprising that petitioner chose not to bring these judgments on record, and mention of these judgments was conspicuously absent even from the List of Dates.
4. Interestingly, the Coordinate Bench of this Court also noted conduct of the petitioner in *Bhushan Kumar Singhal v National Medical Commission & Ors.* 2023:DHC:7315, which is extracted as under:



“24. This Court is of the opinion that the Petitioner herein without disclosing the Orders passed by the Respondent No.1 and 2 herein dated 04.07.2021, 01.01.2018 and 08.08.2019 and without impleading the Respondent No.1 and 2, secured orders dated 13.01.2021 and 13.04.2021 in W.P. No.452/2021. This Court vide Order dated 13.01.2021 had directed a fresh inquiry by a committee of doctors of AIIMS, New Delhi into the allegations made by the Petitioner by granting an opportunity of being heard to the parties and to submit a report to the GNCTD for appropriate action to that being aware of the fact that the Respondent Nos.1 and 2 had already considered the case of the Petitioner and had exonerated the Doctor concerned.

25. The Petitioner herein has now approached this Court relying on the AIIMS Committee report dated 11.09.2021, which report in its conclusion has stated that “Otherwise, from available evidence, the patient was given adequate care and though some aspects of treatment could not be debated, patient was largely treated in line with standard management protocol.”

26. This court is of the opinion from the perusal of the above facts and arguments advanced by the counsel appearing for the Respondents that the Petitioner herein has approached this Court with unclean hands by suppressing material information and has misled this Court with the view of obtaining favourable orders. A litigant who hides facts which are in his knowledge has no right to be heard on the merits of his grievances....”

(emphasis added)

5. This was also noted by the Division Bench in ***Bhushan Kumar Singhal v National Medical Commission & Ors.*** 2023:DHC:8518-DB, dated 20th November 2023; relevant paragraphs of which are extracted hereunder for ease of reference:

“15. This Court also notes that the learned Single Judge has categorically recorded that the appellant herein had suppressed the decisions dated 04th July, 2017 passed



by the Delhi Medical Council and 08th August, 2019 passed by the National Medical Commission, at the time of approaching the Chief Minister of Delhi for conduct of an enquiry on his allegations regarding medical negligence in treating his brother. Thus, learned Single Judge has held as follows:

“21. It is also an admitted fact that the Petitioner before approaching this Court vide the present petition had approached the Chief Minister of Delhi in Janta Samvad proceedings praying for conduction of an inquiry into the allegations of medical negligence and professional misconduct made by him against the Respondent Nos. 3 to 5, by suppressing the Order dated 04.07.2017 passed by Respondent No.2 and Order dated 08.08.2019 passed by Respondent No.1/erstwhile MCI. The Chief Minister of Delhi in pursuance to the request made by the Petitioner herein directed the Department of Health and Family Welfare of GNCTD to conduct an inquiry into the allegations of medical negligence and wrong treatment meted out to the Petitioner's brother/deceased patient herein.”

16. Further, the learned Single Judge has held in categorical terms that the appellant herein had approached this Court with unclean hands by suppressing material information. The relevant portion of the judgment dated 05th October, 2023 passed by the learned Single Judge reads as follows:

“24. This Court is of the opinion that the Petitioner herein without disclosing the Orders passed by the Respondent No.1 and 2 herein dated 04.07.2021, 01.01.2018 and 08.08.2019 and without impleading the Respondent No.1 and 2, secured orders dated 13.01.2021 and 13.04.2021 in W.P. No.452/2021. This Court vide Order dated 13.01.2021 had directed a fresh inquiry by a committee of doctors of AIIMS, New Delhi into the allegations made by



the Petitioner by granting an opportunity of being heard to the parties and to submit a report to the GNCTD for appropriate action to that being aware of the fact that the Respondent Nos.1 and 2 had already considered the case of the Petitioner and had exonerated the Doctor concerned.

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26. This court is of the opinion from the perusal of the above facts and arguments advanced by the counsel appearing for the respondents that the Petitioner herein has approached this Court with unclean hands by suppressing material information and has misled this Court with the view of obtaining favorable orders. A litigant who hides facts which are in his knowledge has no right to be heard on the merits of his grievances.”

17. In view of the detailed discussion hereinabove, this Court finds no infirmity with the impugned judgment passed by the learned Single Judge. The present appeal is accordingly dismissed along with the pending applications.”

(emphasis added)

6. It is apparent that the petitioner is habituated in placing incomplete information before the Courts in his anxiety to obtain the relief that he seeks.

7. Notwithstanding the above, without passing any further observation on this, what needs to be assessed is the relevance of these judgments to the instant contempt petition which has been filed.

8. This contempt petition alleges wilful disobedience of orders passed by this Court on 13th July 2023 in **CONT.CAS(C) 152/2023**.

9. The said order is extracted as under:

“1. This is a petition seeking contempt proceedings



against the respondents for wilful disobedience of the judgment dated 13.01.2021 in W.P.(C) 452/2021 titled 'Bhushan Kumar Singhal Vs. Health And Family Department, GNCTD & Anr.' and para 11 of the judgment which reads as under:

"11. The committee duly constituted by Dr. Anita Saxena is directed to firstly issue notice to the Petitioner herein, the hospital i.e., the Maharaja Agrasen Hospital (M-7042129624) as well as to Dr. B.B. Channa (M-9821619129), against whom various allegations have been made. After obtaining the written responses of all the three parties and also after recording evidence which they wish to produce, opportunity of hearing shall be provided. Thereafter a reasoned enquiry report shall be submitted to the GNCTD for appropriate action, if any. A copy of the said report shall also be made available to the Petitioner."

2. The committee appointed by this Court submitted its report dated 11.09.2021 highlighting various shortcomings amounting to medical negligence by the doctors treating the brother of the petitioner.

3. It is stated by Mr. Chadha, learned counsel for the petitioner that despite the report, no action has been taken by the respondents.

4. Mr. Mukesh Kumar Sharma, Deputy Secretary in Health and Family Welfare in Govt. of NCT of Delhi is present in Court and assures that appropriate action shall be taken on the report of the committee within 4 weeks from today.

5. With these observations and binding Mr. Kumar to his statement, the contempt petition is disposed of."

10. The report dated 11th September 2021 was in contemplation of the Court while passing judgment dated 5th October 2023 by the Coordinate Bench and by the Division Bench on 20th November 2023.

11. Reliance placed by the petitioner on the All India Institute of Medical



Sciences (‘**AIIMS**’) Committee report dated 11th September 2021, which was constituted under the orders of the Chief Minister, is wholly misplaced. The said report unequivocally concludes that the deceased was provided “adequate care and was largely treated in line with standard management protocols”. This finding was consistent with the concurrent opinions of multiple expert bodies, including the *Delhi Medical Council* and the *National Medical Commission*, which have categorically ruled out any medical negligence or professional misconduct.

12. For ease of reference, the opinion of the Coordinate Bench of this Court in **W.P(C)No.12723/2021** is extracted as under:

“27. The Petitioner has based the prayers in the present writ petition only on the report of the AIIMS Committee dated 11.09.2021 constituted by this Court vide Order dated 13.01.2021 passed in W.P. No.452/2021. In the report, the AIIMS Committee has observed that the treatment provided to the deceased patient was in line with medical protocols and there was no professional misconduct or negligence which caused the untimely demise of the Petitioner’s brother/deceased patient.

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30. It is well settled that this Court does not sit as an Appellate Authority over the decisions arrived at by the experts. Respondents No.1 and 2, both being expert bodies, have considered the facts and have opined that the brother of the Petitioner was treated as per the accepted professional practice and that the patient died as a consequence of acute Myocardial Infraction (IM) and Left Ventricle Failure (LVF). The facts of the case reveal that the Petitioner has repeatedly knocked the doors of various authorities unsuccessfully. Committee after Committee has looked into the case of the Petitioner and have found that there was no negligence on the part of the Doctors. It is unfortunate that the Petitioner has lost his brother but it does not give a licence to the Petitioner to arm-twist the Doctors or to make repeated representations so that some opinion is received to blackmail the doctors probably for



receiving compensation. The approach of the Petitioner does not seem to be of a grieving brother but probably of a person who is looking at an opportunity to make a profit out of a tragedy. The entire case of the Petitioner is based on the report dated 11.09.2021, passed by a committee consisting of Doctors of AIIMS in compliance of the Orders dated 13.01.2021 and 13.04.2021, passed by this Court in view of the fact that Respondents No.1 & 2 had already exonerated the doctors.

31. A perusal of the conclusions and recommendations given by the Doctors of AIIMS points out that the patient was given adequate care and though some aspects of treatment could be debated, patient was largely treated in line with standard management protocols. As stated earlier, the Petitioner has approached this Court after two years and three months of the Order dated 08.08.2019, passed by the Respondent No.1, and the delay has not been explained by the Petitioner. Only on the basis of certain sentences in the Conclusions and Recommendations of the Doctors of the AIIMS, the Petitioner has approached this Court. This reaffirms that the present petition is not bona fide. This Court is of the opinion that the present Writ Petition is a complete abuse of the process of law. Ordinarily, this Court would have imposed costs on the Petitioner but considering the fact that the Petitioner has lost his brother, this Court is refraining from imposing costs.”

13. The Division bench of this Court in **LPA No.750/2023**, reiterated as follows:

“2.10 The Committee constituted under the orders of the Chief Minister presented its report on 11th September, 2021. In the said report, it was stated that Dr. Subhash Gupta was not trained to perform angiography and hence was not qualified to sign on angiography report. However, it was concluded that the brother of the appellant was given adequate care and was largely treated in line with the standard management protocols.

2.11 In view of the aforesaid report dated 11th September, 2021, the appellant filed writ petition, being W.P.(C) 12723/2021 before this Court. By way



of the impugned judgment dated 05th October, 2023, learned Single Judge dismissed the petition filed on behalf of the appellant. Hence, the present appeal has been filed.

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7. Having heard learned counsel for the parties and upon perusal of the documents on record, it is manifest that there are concurrent findings by the expert bodies to the effect that the treatment administered to the brother of the appellant was as per medical practice and in line with the accepted protocol.

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13. Even the Committee of doctors of AIIMS, New Delhi, in its report dated 11th September, 2021 has determined that the brother of the appellant was largely treated in line with standard management protocols.

*14. Thus, it is clear that there are concurrent findings by the expert medical bodies that there was no medical negligence and professional misconduct on behalf of respondent nos. 3 to 5. This Court under its power of judicial review will not interfere with the opinion of the medical experts by assuming the role of an expert body. The Court does not have the expertise to render any opinion contrary to that of an expert medical body. Courts normally do not interfere in such matters except in very rare and exceptional cases. Thus, Supreme Court in the case of **Martin F. D'souza Versus Mohd. Ishfaq¹**, has held as follows:*

“111. The courts and the Consumer Fora are not experts in medical science, and must not substitute their own views over that of specialists. It is true that the medical profession has to an extent become commercialised and there are many doctors who depart from their Hippocratic oath for their selfish ends of making money. However, the entire medical fraternity cannot be blamed or branded as lacking in integrity or competence just because of some bad apples. 112. It must be remembered that sometimes despite their best efforts the treatment of a doctor fails.



For instance, sometimes despite the best effort of a surgeon, the patient dies. That does not mean that the doctor or the surgeon must be held to be guilty of medical negligence, unless there is some strong evidence to suggest that he is”.”

14. In this view of the above facts and circumstances, this contempt petition is therefore dismissed.

15. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 25, 2025/sm/tk