HC-KAR

NC: 2026:KHC:60133-DB
WP No. 25779 of 2026

CNR: KAHC010568622026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MRS. JUSTICE N.V.BHAVANI

WRIT PETITION NO. 25779 OF 2026 (GM-CON)

BETWEEN:

DR. ANIL KUMAR R
S/O MR. B. RUDRAMUSETTY,
AGED ABOUT 62 YEARS,
CONSULTANT DIABETOLOGIST AND PHYSICIAN,
KMC REGISTRATION NO. 26302,
R/AT NO. 491/40/2, 38TH CROSS,
1ST MAIN ROAD, 8TH BLOCK,
JAYANAGAR, BENGALURU - 560 082.

...PETITIONER

(BY SRI. SRIPADA VENKATA JOGA RAO, ADVOCATE)

AND:

1. KARNATAKA STATE CONSUMER
   DISPUTES REDRESSAL COMMISSION,
   BASAVA BHAVANA,
   NEAR HIGH GROUNDS,
   BENGALURU – 560 001
   REPRESENTED BY ITS REGISTRAR

2. SRI. MUNIRATHNAM REDDY
   S/O. LATE T. VENKATARAMA REDDY,
   BATHANAPALLI VILLAGE,
   MAMADUGU POST,
   GANGAVARAM MANDALAM,
   CHITTOOR DISTRICT,
   ANDHRA PRADESH – 533 284.

3. SMT. PADMAVATHAMMA
   W/O. LATE T. VENKATARAMA REDDY,
   BATHANAPALLI VILLAGE,
   MAMADUGU POST,

Digitally signed by YASHODA K L
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010568622026

GANGAVARAM MANDALAM,
CHITTOOR DISTRICT
ANDHRA PRADESH – 533 284.

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE JUDGMENT DATED 02.05.2026 PASSED BY THE KARNATAKA STATE CONSUMER DISPUTES REDRESSAL COMMISSION IN COMPLAINT No. SC/29/CC/167/2016 VIDE ANNEXURE-A AND DECLARE THAT THE COMMISSION COMMITTED AN ERROR IN RELYING UPON THE KARNATAKA MEDICAL COUNCIL ORDER DESPITE ITS OPERATION HAVING BEEN STAYED BY THIS HONBLE COURT ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MRS. JUSTICE N.V.BHAVANI

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard learned Counsel for the petitioner.

2. Learned counsel for the petitioner has submitted a memo for producing documents today in Court which is taken on record.

3. This petition is filed seeking to assail the judgment dated 02.05.2026 passed by the Karnataka State Consumer

Disputes Redressal Commission, Bengaluru[1], whereby the complaint filed before the State Commission by the respondent Nos.2 and 3 herein was partly allowed holding one Deepak Hospital and the petitioner herein, guilty of medical negligence. The two opposite parties, namely, Deepak Hospital and the petitioner herein, were held jointly and severally liable to pay compensation of Rs.45,00,000/- with interest at the rate of 9% and other directions were also made.

4. It appears that during the pendency of the aforesaid complaint case before the State Commission, which, as per the first page of the certified copy of the order of the judgment of the State Commission, reflects the date of filing of the complaint case as 13.07.2016.

5. In the memo filed today, is a copy of an interim order dated 29.01.2026 passed by this Court in W.P.No.38473/2025 (Dr.Anil Kumar.R v. Karnataka Medical Council and others). In that writ petition, the interim order is as follows:

> *"This petition is listed at the instance of Dr. S.V.Joga Rao, the learned counsel for the petitioner,*

[1] State Commission

and the learned counsel pleads for an immediate interim order asserting that although the decision of the Karnataka Medical Council [KMC] [the first respondent, and the decision is to delete the petitioner's name from the Medical Practitioner's Register] is dated 15.11.2025, it would be effective from 30.01.2026 in view of the Communication dated 01.12.2025. The learned counsel also submits that the petitioner, apart from the notice issued by this Court returnable by 21.01.2026 to the KMC and the other respondents, has delivered intimation of the petition to the first respondent.

In the light of the afore and because notice issued to respondent Nos.2 to 7, including the complainant, was returnable by 21.01.2026 but is not yet returned, the learned counsel who is called upon to accept notice to the first respondent is absent, the petitioner's request for an interim order is being considered.

Prima facie, this Court opines that the decision to delete the petitioner's name from the Register is based on suspicion that there is manipulation of certain case sheets and whether a decision based on suspicion could be justified is a matter that needs to be examined. The petitioner's case is that there is no approximate link between the treatment administered by the petitioner and the patient's deteriorating condition. This Court has also considered Dr.S.V.Joga Rao's submissions that communications have already been addressed to different authorities by the first respondent for initiation of action against the petitioner.

As such, the interim order is granted as prayed for to be in force until the next date of hearing directing the office to verify the status of service of notice from the website of the postal department and place the same on record for just orders.

The office is directed to re-list this petition on 25.02.2026."

6. It appears that as per the direction of the Court, the order of the Karnataka Medical Council[2] directing deletion of the petitioner's name from the Medical Practitioner's Register dated 15.11.2025 has been stayed. The order of the KMC dated 15.11.2025 is also on record appended to the memo, whereby the name of the petitioner was directed to be deleted from the registry of the KMC for a period of six months.

7. When queried, the counsel for the petitioner has categorically stated that the interim order dated 29.01.2026 passed in the writ petition was not brought to the notice of the State Commission.

8. However, the proceedings before the KMC and the order dated 15.11.2025 was brought to the notice of the State Commission. A perusal of the judgment of the State Commission reveals that the points for consideration were as follows:

> *i. Whether the deceased was a consumer as defined U/s.2(1)(d) of CPA 1986 ?*
> *ii. Whether the Complainants are able to demonstrate medical negligence on the part of OPs.1 & 2?*

[2] KMC

iii. Whether the Complainants are entitle to claim compensation of Rs.50 lakhs ?

iv. What order?

9. The State Commission has passed the order impugned and has returned its finding on the aforesaid point No.2 largely based on the order of the KMC dated 15.11.2025. No appeal/second appeal is filed by the petitioner under Section 30 of the National Medical Commission Act, 2019 against the order of the KMC. It appears that the petitioner, against whom serious action has been taken by the KMC, which is a specialized body to look into the aspects of professional or ethical misconduct by a registered medical practitioner or professional, has chosen to challenge the order of the KMC in the Writ Petition of 2025 but was not advised to file an appeal before the statutory authorities.

10. Admittedly, the judgment passed by the State Commission is appealable before the National Consumer Disputes Redressal Commission[3], under the Consumer Protection Act. It is for the petitioner, if he is so advised, to approach the National Commission in an appeal for availing

[3] National Commission

appropriate remedy. Given the conduct of the petitioner of not informing the State Commission of the writ petition filed by him and the interim order obtained, which is actually concealment of facts, and not complying with the directions of the State Commission for payment of any compensation to the aggrieved complainant, we decline to exercise jurisdiction under Article 226 of the Constitution of India and accordingly, ***dismiss*** this writ petition.

11. It is made clear that we have not expressed any opinion as to the merits of the case of the petitioner. It shall be open for the petitioner to raise all his pleas before the appropriate forum, if so advised, in accordance with law.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(N.V.BHAVANI)
JUDGE

GJM/KSR
List No.: 1 Sl No.: 5