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

% ***Date of Decision: October 27th, 2026***

\# **CNR No. DLHC010065442023**

\+ W.P.(C) 2511/2023

VINOD KUMAR .....Petitioner

Through: Mr. Rohan Aggarwal, Mr. Jai Kumar, Mr. Yasharth Jayant and Ms. Sanjana Mishra, Advocates.

versus

DELHI MEDICAL COUNCIL AND ORS .....Respondents

Through: Mr.Praveen Khattar, Mr. Pritam Kumar and Mr. Abhijay Basu, Advocates for R1.
Mr. Veerendra Kumar and Ms. D. Manshikha Indora, Advocates for R2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The petitioner is essentially aggrieved by the findings of the Delhi Medical Council ('**DMC**') dated 02.08.2021 pursuant to which the complaint against the alleged medical negligence on the part of Respondent Nos. 2 to 5 was dismissed.

2. Briefly, it is the case of the petitioner that owing to the deficiencies and the medical negligence on the part of Respondent Nos. 2 to 5, the petitioner lost his child. It is the case of the petitioner that DMC failed to look into the evidence on record which establishes negligence on the part of Respondent Nos. 2 to 5 and rather gave a clean

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chit to them. Aggrieved by the same, the present petition has been filed.

3. Preliminarily, before this Court could be persuaded to look into the merits of this case, it bears relevance to note that the jurisdiction of this Court under Article 226 of the Constitution of India is not an avenue for re-assessment of substantive conclusions of expert bodies in matters such as allegations of medical negligence. In fact, the issue involving allegations of medical negligence is fundamentally matter of evidence which cannot be adjudicated in writ jurisdiction and are best left to be adjudicated in appropriate jurisdiction where proper enquiry in respect thereto can be made. Negligence when alleged against any person is a question of fact, and the same can only be decided by oral and documentary evidence and the Court under writ jurisdiction cannot decide such questions of facts. [Ref. ***Kamla Devi v. Union of India*** **: 2015 SCC OnLine Del 7109**].

4. It is the case of the petitioner that his son lost his life due to the alleged medical negligence of Respondent Nos. 2-5. It is alleged that Respondent No. 2 failed to provide appropriate treatment despite repeated consultations and ultimately refused to treat the child when his condition deteriorated. It is further alleged that Respondent Nos. 3 and 4 denied the child appropriate treatment, while Respondent No. 5 failed to provide due medical care despite his deteriorating condition, resulting in his death on 07.07.2020. The petitioner alleges that the committee, while considering his complaint against the concerned doctors and hospitals, failed to properly examine the circumstances surrounding the treatment administered to the child and the alleged denial of timely and appropriate medical treatment.

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5. As is apparent from the contentions of the petitioner, the issues raised necessarily involve adjudication of disputed questions of fact, including whether Respondent Nos. 2-5 were negligent in diagnosing and treating the petitioner's son, whether the treatment administered to him was appropriate in the circumstances, and whether the alleged delay in providing adequate medical care contributed to his death. The said contentions cannot be ascertained or decided while exercising jurisdiction under Article 226 of the Constitution of India. The same can only be decided after evidence is led by the parties before an appropriate forum such as Consumer Forum/Civil Suit/FIR.

6. Considering the above, the present petition is disposed of, with liberty to the petitioner to pursue appropriate proceedings.

AMIT MAHAJAN, J

OCTOBER 27, 2026
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