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

+ W.P.(C) 9499/2017

SHANTI DEVI & ANR

..... Petitioners

Through: Ms Sija Nair Pal and Mr Deepak
Kumar Singh, Advocates.

versus

SAFDARJUNG HOSPITAL AND ORS

..... Respondents

Through: Ms Monika Arora, CGSC with Mr
Harsh Ahuja, Mr Kushal Kumar and
Mr Vibhu Tripathi, Advocates for
UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.01.2018**

1. The learned counsel appearing for respondent no.1 submitted a report indicating that there was no medical negligence, as “no resuscitation was required in this case as the abortus was not compatible with any survival”.
2. The learned counsel appearing for the petitioners points out that the facts of this case are almost similar to the recent case of MAX Hospital, which was shut down by the concerned authorities as the hospital had returned baby/fetus declaring him/her to be dead, although, it later transpired that the fetus had some life. The learned counsel for the petitioners insists that the infant in that case was also delivered prematurely (approximately after five months of gestation period). In these circumstances, respondent no.2 is directed to produce the necessary records of the said case.

3. Clearly, the respondents cannot have two standards for medical treatment one for private hospital and the other for government hospital.

4. It was also noticed in the last order that the photographs annexed with the petition, which showed the manner in which the infant was handed over to his father were disturbing. At that stage, this Court had refrained from making any adverse observation in this regard considering that the directions were issued for constitution of a Committee to examine the matter. It is seen that the report submitted by the Committee does not consider the manner in which the fetus was handed over by the concerned authority.

5. It is not possible for this Court, after having viewed the photographs, to ignore the same. Respondent no.1 shall file an affidavit indicating as to the person responsible for handing over the fetus in the manner it was done and further indicating whether any steps are proposed to be taken in this regard.

6. It is noticed that on the last date of hearing i.e. 02.11.2017, the Medical Superintendent of respondent no.1 was directed to ensure that the copy of medical records available with respondent no.1 be provided to the petitioner. The learned counsel for the petitioner states that the same has not been handed over. A final opportunity is granted to the concerned Medical Superintendent to do so within a period of one week from today. He is further cautioned that this Court will take a serious view if orders of the Court are not complied with.

7. List on 18.01.2018 for further proceedings.

VIBHU BAKHRU, J

JANUARY 03, 2018

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