



2025:DHC:7471



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

+ CM(M) 2926/2024 & CM APPL. 39426-39428/2024 & CM APPL. 62166/2024

M/S SUKHDA HOSPITAL

.....Petitioner

Through: Mr. Sudhir Kumar Gupta, Advocate.

versus

SH. PREM KUMAR BATRA & ORS.

.....Respondent

Through: Mr. Manvendra Verma with Mr. Akash Choudhary, Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**ORDER**

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**27.08.2025**

1. Petitioner-Hospital takes exception to the order dated 13.05.2024 passed by Hon'ble National Consumer Disputes Redressal Commission (in short "NCDRC") in First Appeal No. 310/2009.

2. A complaint was filed by the parents of a 13 years old boy, who, allegedly, died on account of medical negligence. The complainants sought compensation of Rs. 90,00,000/- for the loss of life of their child, mental agony and torture, besides seeking cost of litigation.

3. The abovesaid complaint was adjudicated by learned State Commission and OP No.1 Dr. O.M. Parmar and OP No.3-M/s Sukhda Hospital (petitioner herein) were directed to pay Rs. 75,000/- each to the complainant, besides Rs. 10,000/- each towards cost of litigation.

4. Such order was challenged by the complainants by filing appeal before the learned NCDRC and vide order dated 13.05.2024, learned NCDRC directed M/s Sukhda Hospital (petitioner herein) to pay

CM(M) 2926/2024



2025:DHC:7471



compensation of Rs. 10,00,000/-.

5. Since a sum of Rs. 75,000/-, in terms of order passed by learned State Commission, had already been paid, hospital was directed to pay the balance amount of Rs. 9,25,000/- with interest @ 6% p.a. from the date of institution of the complaint in the year 2005 within three months and, in event of default or delay, the interest was payable @9%.

6. Though complaint pertained to medical negligence, unfortunately, the two Doctors, who had conducted the surgery in question and who were even held guilty under Section 304-A IPC, are no longer alive.

7. Mr. Sudhir Kumar Gupta, learned counsel for petitioner-Hospital submits that on compassionate grounds and in order to put the matter to rest, the Hospital, without prejudice to their rights and contentions and while also reserving their right to seek claim from the concerned Insurance Company i.e. New India Insurance Company, would make payment of Rs. 15,00,000/- towards compensation and the petition be disposed of accordingly.

8. Respondent No.1 (father of boy in question) has died, in the interregnum. He died on 14.12.2024

9. Learned counsel for respondent No.2 i.e. mother submits that such gesture shown by hospital is acceptable to them. Right to receive compensation now survives in her favour, to which even the petitioner has no qualm. Let amended memo of parties be, however, filed.

10. When the present petition was entertained by this Court, petitioner-Hospital was directed to deposit a sum of Rs. 5,00,000/- within four weeks and such amount has already been deposited by the Hospital.

11. In view of the abovesaid statement, respondent No.2 is permitted to withdraw the abovesaid amount of Rs. 5,00,000/- with accrued interest and



2025:DHC:7471



as undertaken today, the balance amount of Rs. 10,00,000/- be paid to her within two weeks, preferably, through online banking channel.

12. The petition stands disposed of in aforesaid terms and decree would also stand satisfied, once the abovesaid balance payment is made within the above period.

13. This Court appreciates the persistent efforts made by learned counsel for the parties to put a quietus to the matter, particularly, when it pertained to an incident where a young boy lost his life, during surgery.

14. Petition stands disposed of in abovesaid terms.

15. Pending applications also stand disposed of.

16. As indicated above, all rights and contentions of the parties stand reserved.

**MANOJ JAIN, J**

**AUGUST 27, 2025/sw/PB**



2025:DHC:7471

