

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.3876 OF 2019

DR. SOUMYA BHATTACHARYA

Appellant

VERSUS

S. K. THAKUR & ORS.

Respondent

WITH

SLP (CIVIL) NO.10465 of 2019

O R D E R

CIVIL APPEAL NO.3876 OF 2019

In terms of order dated 12.02.2019 passed by the National Commission which is presently under challenge in this appeal, the legal heirs of the deceased have been directed to be arrayed as respondents to Consumer Complaint No.114 of 2012. Said complaint was filed by the brother of the deceased submitting *inter alia* that the death of deceased was as a result of medical negligence and that the respondents in the complaint were responsible for having caused the death.

The original complaint was not filed by the heirs of the deceased but at a later stage the complainant sought to array the heirs as respondents in the complaint.

Learned counsel submitted that he has no grievance if the heirs are arrayed as co-petitioners but carriage of the proceedings ought not to be in the hands of somebody than the legal heirs.

We do not think it appropriate to interfere in the matter at this stage. The interest of justice would be subserved if we direct the heirs and legal representatives of the deceased to implead themselves as co-petitioners in the complaint within six weeks of the order. We order accordingly. If the heirs and legal representatives decline to implead themselves as co-petitioners, the present appellant will be at liberty to challenge the locus of the complainant to maintain the complaint.

The appeal stands disposed of accordingly.

We make it clear that we have not expressed any opinion on the merits of the matter.

SLP (CIVIL) NO.10465 of 2019

In view of order in Civil Appeal No.3876 of 2019, nothing survives in this special leave petition.

The special leave petition stands disposed of accordingly.

.....J.
[UDAY UMESH LALIT]

.....J.
[INDU MALHOTRA]

NEW DELHI;
APRIL 26, 2019

ITEM NOS.20+59

COURT NO.8

CORRECTED*
SECTION XVII**S U P R E M E C O U R T O F I N D I A**
RECORD OF PROCEEDINGS

Civil Appeal No.3876/2019

DR. SOUMYA BHATTACHARYA

Appellant(s)

VERSUS

S. K. THAKUR & ORS.

Respondent(s)

(FOR ADMISSION; and, IA No.62368/2019-STAY APPLICATION)

WITH

SLP (CIVIL) NO.10465 of 2019

Date : 26-04-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Appellant(s)

Mr. Sugata Shankar Roy, Adv.
Ms. Manju Jetley, AORMr. Prabir Basu, Adv.
Mr. Sanjay Kr. Ghosh, Adv.
Ms. Rupali Samanta Ghosh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RThe civil appeal and the special leave petition are disposed
of, in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)
COURT MASTER(RAJINDER KAUR)
BRANCH OFFICER

(Signed Order is placed on the File)