

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 11343/2016

DR. ANUPAM GOLASH

Appellant(s)

VERSUS

MR. MRINMOY DUTTA & ANR.

Respondent(s)

WITH

C.A. No. 11344/2016

C.A. No. 4482/2017

W.P.(C) No. 767/2017

O R D E R

1. Heard the learned counsel for the parties and perused the appeal papers.

2. These appeals are filed by the Doctors and the Nursing Home claiming to be aggrieved by the order dated 11.05.2016 passed by the National Consumer Disputes Redressal Commission (*for short 'NCDRC'*). In that light, the claimants before the State Consumer Disputes Redressal Commission (*for short 'SCDRC'*) has also filed a Writ Petition and appeal. Keeping in view the facts and circumstances as also the time

lapse, we, at the outset, take note that the SCDC through the judgment dated 12.03.2013, at the first instance, dismissed the complaint by the claimant.

3. When the complainant was before the National Consumer Disputes Redressal Commission (*for short 'NCDRC'*), the NCDRC through the order dated 11.05.2016 held the Doctors and the Nursing Home liable and directed them to pay a sum of Rs.6,00,000/- in all, along with the cost of Rs.10,000/-. The said amount had been deposited on 28.11.2016 before this Court and the complainant(s) before the NCDRC has withdrawn the same.

4. Though, contentions are put forth on either side, at this juncture, we see no reason to entertain the instant appeals and writ petition any further since the amount as ordered by the NCDRC has been paid and without prejudice to the contention of the Doctors and the Nursing Home. We therefore, make it clear that the amount as withdrawn by the claimant(s) shall be retained but however, the observations as contained in the order holding negligence against the Doctors and the Hospital/ nursing staff as also the vicarious liability adverted to by the NCDRC, shall not be held against them in any other proceedings and

shall not cause prejudice to their profession and to that extent, we set aside such adverse observations.

5. In the light of the fact that we have taken note that the consideration for the amount as ordered by the NCDRC, is being held in favour of the complainant(s) before the SCDRC and is being allowed to retain the said amount, we see no reason to also entertain their claim for enhancement of the amount.

6. Therefore, in the above circumstances, we dispose of all these appeals along with the writ petition as well.

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

.....J.
(A.S. BOPANNA)

.....J.
(M.M. SUNDRESH)

New Delhi
08th November, 2023

ITEM NO.101

COURT NO.7

SECTION XVII-A

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(s). 11343/2016

DR. ANUPAM GOLASH

Appellant(s)

VERSUS

MR. MRINMOY DUTTA & ANR.

Respondent(s)

(IA No. 1/2016 - PERMISSION TO FILE ANNEXURES)

WITH

C.A. No. 11344/2016 (XVII-A)

C.A. No. 4482/2017 (XVII-A)

IA No. 88927/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 88926/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURESIA No. 96030/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURESIA No. 61435/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 767/2017 (X)

FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 82088/2017

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82089/2017

FOR [APPLICATION FOR AMENDMENT OF DAMAGES] ON IA 25640/2018

FOR DELETING THE NAME OF PETITIONER/RESPONDENT ON IA 53738/2018

FOR [APPLICATION FOR AMENDMENT OF THE PRAYER] ON IA 103536/2018

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 120242/2018

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
88933/2020

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 88934/2020

IA No. 25640/2018 - APPLICATION FOR AMENDMENT OF DAMAGES

IA No. 103536/2018 - APPLICATION FOR AMENDMENT OF THE PRAYER

IA No. 120242/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 82089/2017 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 53738/2018 - DELETING THE NAME OF PETITIONER/RESPONDENT

IA No. 88934/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 82088/2017 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 88933/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 08-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Parties(s)

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Ms. Archana Pathak Dave, Amicus Curiae

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Ms. Sunita Gupta, Adv.

Mr. Sushil Gupta, Adv.

Ms. Mridula Ray Bharadwaj, AOR

Mr. Shekhar Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Appeals are disposed of along with the Writ Petition in terms of the signed order.

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

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(NIDHI WASON)
COURT MASTER (NSH)

(signed order is placed on the file)