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

+ **W.P.(C) 10/2018**

PINKI

..... Petitioner

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

versus

ARUNA ASAF ALI GOVERNMENT HOSPITAL
AND ORS.

..... Respondents

Through: Mr Satyakam, Additional Standing
Counsel, GNCTD with Mr Sushil
Pairvi Officer, DGHI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.01.2018**

1. The petitioner has filed the present petition, *inter alia*, claiming compensation to the extent of ₹5 lacs on account of negligence in providing treatment to the petitioner.
2. The petitioner states that on 16.10.2017 an ultra sound test was conducted by Vardaan Diagnostics and Women Care Centre, Burari, Delhi and the petitioner was informed that her expected date of delivery was 14.12.2017.
3. On 17.11.2017, the petitioner suffered labour pains at about 4:00 AM. She claims that she was rushed to respondent no.1 hospital by an ASHA worker at about 9:30 AM. It is the petitioner's case that attending doctor administered certain pain killers and asked the petitioner to come back after

two days. The attending doctor also assured the petitioner that she was not expected to deliver shortly. The request of the petitioner to be admitted to the hospital, as she was suffering from pains was also rejected.

4. It is stated that the petitioner delivered a child in an auto rickshaw on her way back from the hospital.

5. Clearly, if the facts as stated above are correct, there is good ground to conduct an inquiry to determine whether there was any medical negligence in providing treatment to the petitioner.

6. The petitioner also claims that she had incurred expenditure of approximately ₹4,000/- on payment to the midwife to deliver the child and further ₹3,000/- for procuring medicines thereafter.

7. Although, the petitioner has also claimed further compensation of ₹5 lacs, this Court is not inclined to examine that aspect in this petition. It would be open for the petitioner to file appropriate proceedings to claim damages. However, insofar as the expenditure ₹7,000/- is concerned, this Court is of the view that the same ought to be immediately provided to the petitioner as this petition does, *prima facie*, indicate that the petitioner ought to have been admitted to the hospital on 17.11.2017 and ought not to have turned away. Accordingly, the respondents are directed to ensure that the said payment of ₹7,000/- is provided to the petitioner immediately.

8. Respondent no.3 is further directed to institute a proper inquiry to determine whether there has been any medical negligence on the part of the attending doctor(s). The inquiry shall be completed within a period of twelve weeks from today. Needless to mention that if the said findings are indicative of medical negligence, a complaint would also be made to the Delhi Medical Council.

9. The petition is disposed of with the aforesaid directions.
10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 03, 2018

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