

\$~18

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

+ CRL.M.C. 1674/2022 & CRL.M.A. 7183/2022

HIMANSHU SINGHAL & ANR.

..... Petitioner

Through: Mr. Sachin Jain, Mr. Ajay Kumar  
Agarwal, Ms. Meenakshi Jain, Mr. Hardeep S.  
Sodhi, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Pradeep Gahalot, APP  
SI Sachin Dhama, PS Shalimar Bagh

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**21.07.2022**

%

On 10.05.2022, this Court had observed that the petitioner sought medical opinion from any Government Hospital or All India Institute of Medical Sciences (AIIMS) for credible expert opinion, and has grave apprehensions vis-à-vis the opinion of the DMC.

In the present case, the petitioner lost his son of about 2 and a half years old, who had no known allergies or past history of illness, allegedly due to negligence and malfeasance at Max Hospital, Shalimar Bagh, New Delhi, wherein the child was admitted for a simple dysentery.

Learned counsel appearing for the petitioner submits that they have no faith in the DMC as it is a regulatory body of the Doctors and cannot give an unbiased expert opinion. It is also submitted that they have no power under the DMC Act, 1997 to give an expert opinion.

I feel that this is a case where the DMC needs to be impleaded as a party. Let the DMC be impleaded as respondent No.2 and notice be issued and let the petitioner take steps for service of the respondent No.2.

The respondent No.2 is required to file a detailed counter affidavit within 4 weeks from today.

In the present case, the son of the petitioner died on 09.02.2020, and till date, after a period of almost two and a half years, there is no investigation in the matter for lack of medical opinion.

I deem it fit that the complete medical record pertaining to the deceased child may be sent to the Dean, Maulana Azad Medical College, New Delhi to constitute a Medical Board and give their report within a period of 6 weeks.

The petitioner shall be informed of the meeting of the Committee and the petitioner shall be permitted to participate in the proceedings of the Committee.

List on 17.10.2022.

**JASMEET SINGH, J**

**JULY 21, 2022 / MS**

[Click here to check corrigendum, if any](#)