

[2022 LiveLaw \(SC\) 753](#)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

DR. DHANANJAYA Y. CHANDRACHUD; J., A S BOPANNA; J., J.B. PARDIWALA; J.

Civil Appeal No 4596 of 2022; August 26, 2022

Devarakonda Surya Sessa Mani & Ors. versus Care Hospital, Institute of Medical Sciences & Ors.

Medical Negligence - Every death in an institutionalized environment of a hospital does not necessarily amount to medical negligence on a hypothetical assumption of lack of due medical care - It would not be possible for the Court to second-guess the medical judgment of the doctors on the line of medical treatment.

For Appellant(s): Mr. Nimish Chib, Adv. Mr. K.P. Sundar Rao, Adv. Mr. Sanjeev Kumar, Adv. Mr. Badal Dayal, Adv. Mr. Awdhesh Kumar Dubey, Adv. Mr. Nischal Kumar Neeraj, AOR Ms. Banisha Verma, Adv. Ms. Smerity Runi, Adv. Mr. Suraj Prakash Pandey, Adv. Ms. Manshi Bhushan, Adv.

For Respondent(s) Mr. M. Srinivas R. Rao, Adv. Mr. Abid Ali Beeran P, AOR Mr. Sarath Janardhan, Adv.

ORDER

1 The National Consumer Disputes Redressal Commission¹ has considered the evidentiary material which was produced in support of the complaint alleging medical negligence. While dismissing the complaint by its impugned order dated 24 March 2021, the NCDRC has not found any act of medical negligence.

2 Unless the appellants are able to establish before this Court any specific course of conduct suggesting a lack of due medical attention and care, it would not be possible for the Court to second-guess the medical judgment of the doctors on the line of medical treatment which was administered to the spouse of the first appellant. In the absence of any such material disclosing medical negligence, we find no justification to form a view at variance with the view which was taken by the NCDRC. Every death in an institutionalized environment of a hospital does not necessarily amount to medical negligence on a hypothetical assumption of lack of due medical care.

3 In the circumstances and having due regard to the test which has been laid down by this Court in its decisions governing medical negligence, we see no reason to entertain the appeal. The appeal is accordingly dismissed.

4 Pending application, if any, stands disposed of.

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¹ "NCDRC"