

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No. 11860 of 2015**

***Sambara Sabar***

....

***Petitioner***

Mr. Saroj Kumar Padhy, Advocate  
along with Sujata Rani Dash, Advocate  
-versus-

***State of Odisha and Others***

...

***Opposite Parties***

Mrs. Saswata Patnaik, Addl. Govt. Advocate  
Mr. Bibhu Prasad Tripathy, Advocate

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE R.K. PATTANAİK**

**ORDER**  
**17.05.2022**

**Order No.**

09. 1. The present petition is by the father-in-law of an unfortunate woman, who not only lost her baby due to an intra uterine death but herself died while receiving treatment on 25<sup>th</sup> March, 2015.
2. The case of the Petitioner is that the death of the baby as well as the woman was due to medical negligence and was avoidable. The pleadings in the present petition present disputed questions of fact with the Opposite Parties claiming that there was no medical negligence.
3. The Opposite Parties appear to have conducted an enquiry into the maternal death of the woman in question. The enquiry report of the ADMO (FW), Gajapati dated 10<sup>th</sup> April, 2015 is enclosed with the petition.
4. With a view to obtaining an objective assessment of the materials on record the Court requests the State Commission for

Women, Odisha (SCWO) to assist it in the task. Accordingly, the following directions are issued:

(i) A complete set of papers will be made available by the Registry of this Court to the Secretary, SCWO, Toshali Plaza, Satyanagar, Bhubaneswar not later than 1<sup>st</sup> June, 2022;

(ii) The SCWO will constitute an appropriate enquiry team to examine the papers and also visit and record statements of the Petitioner and his family members, the concerned treating doctors, the place of treatment, the medical case record and make an assessment as to the veracity of the claims of either party on the basis of the materials gathered. The SCWO can also take the assistance of a qualified medical professional for making its assessment.

(iii) The report of the SCWO pursuant to the above directions be made available to this Court not later than 1<sup>st</sup> July 2022.

5. As far as the connected matters are concerned, wherever replies/counter affidavits have not yet been filed they be filed positively one week prior to the next date with copies to learned counsel for the Petitioner, who is permitted to file a rejoinder thereto before the next date.

6. List on 1<sup>st</sup> August, 2022 along with the connected cases listed today. A copy of this order be delivered forthwith to the Secretary, SCWO through a Special Messenger.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**(R.K. Pattanaik)**  
**Judge**