

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) ... Diary No(s).10350/2018

(Arising out of impugned final judgment and order dated 14-03-2018 in WP(C) No.2072/2018 passed by the High Court Of Delhi At New Delhi)

BABY ARAV KUMAR S/O VIJAY KUMAR

Petitioner(s)

VERSUS

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

Respondent(s)

Date : 21-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Amicus Curiae

Mr. Neeraj Kishal Kaul, Sr. Adv.
Mr. Depak Joshi, Adv.
Mr. Sanyat Lodha, Adv.

For Petitioner(s)

Mr. Deepak Khosla, Adv.
for
M/s. Equity Lex Associates, Adv. [AOR]

For Respondent(s)

Mr. K.K. Venugopal, AG
Mr. Tushar Mehta, ASG
Mr. Mayank Sapra, Adv.
Mr. Snehasish Mukherjee, Adv. [AOR]
Mr. Ankul Talwar, Adv.

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

Let the matter be registered.

Heard Mr. K.K. Venugopal, learned Attorney General for India and Mr. Tushar Mehta, learned Additional Solicitor General of India. We have also heard Mr. Neeraj Kishan Kaul, learned senior counsel who was appointed by us as Amicus Curiae to assist the Court.

It has been submitted by Mr. Venugopal that the infant was admitted to All India Institute of Medical Sciences (AIIMS) for treatment of pneumonia and he has been treated and recommended for discharge.

Our attention has been drawn to the Report dated 14.03.2018 submitted by a Professor of Cardiology and Associate Professor of Cardiology at AIIMS. The relevant part of the Report reads as follows :

"The child has a cardiac condition in which one of two pumping chambers of the heart is not formed and one of the major valves is leaking. This type of heart disease is generally treated by multiple surgeries. Despite these multiple surgeries, each one of which involves risk to life, the cardiac condition is not curable. Also, despite these multiple surgeries survival is limited and long term prognosis is suboptimal. Usually surgeries are planned after detailed discussion with the parents. Till now, the parents have not given consent for surgery. At present, since the child is free from chest infection, he can be subjected to the first stage of surgery, i.e., banding of pulmonary artery if the parents are willing for this high risk surgery. However, if the parents are not willing for surgery at present, the child can be discharged from the ward for the time being as there is a risk of hospital acquired infection. However the parents should realize that prognosis of the child without surgery is also grim. In future, whenever the parents are willing for this high risk surgery, they can attend the outpatient department from where they will be referred to the cardiac surgeon."

Be it made clear, thereafter the Board consisting of four doctors has also concurred with the said opinion. There is no reason to doubt the Report and accordingly we accept the same.

In view of the aforesaid, we permit AIIMS to discharge the infant and if the parents decide to consult a cardiac surgeon upon a referral from the OPD of AIIMS, the same shall be duly done with all sensitivity. If surgery is suggested, the needful be done in that behalf with promptitude by the team of doctors at AIIMS, subject to the consent of the parents.

With the aforesaid direction, the Special Leave Petition stands disposed of.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar