

ITEM NO.1

COURT NO.3

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) Nos. 33646-33647/2018

[Arising out of impugned final judgment and order dated 24-05-2018 in MA No. 324/2011 26-05-2010 in MA No. 1214/2009 passed by the National Consumers Disputes Redressal Commission, New Delhi]

KUMUD LALL

Petitioner(s)

VERSUS

SURESH CHANDRA ROY (DEAD) THR LRS & ORS.

Respondent(s)

(IA No. 123749/2020 - APPLICATION FOR PERMISSION and IA No. 171846/2018 - CONDONATION OF DELAY IN FILING and IA No. 171847/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No. 171849/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 33648-33649/2018 (XVII-A)

(IA No. 123743/2020 - APPLICATION FOR PERMISSION and IA No. 171808/2018 - CONDONATION OF DELAY IN FILING and IA No. 171809/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No. 171810/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 123745/2020 - EXEMPTION FROM FILING O.T.)

Date : 13-01-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Ms. Sarvshree, AOR
Ms. Somyashree, Adv.

For Respondent(s) :

Mr. Umesh Sinha, Adv.
Mr. Gunnam Venkateswara Rao, AOR
Mr. Anil Singh, Adv.
Ms. Shefali, Adv.
Ms. Himani Chhabra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1) In the facts, it is seen that a Consumer Complaint was filed for negligence of a Doctor which was allowed by the District Consumer Disputes Redressal Forum, though set aside by the State Consumer Disputes Redressal Commission. However, during the pendency of Revision preferred by the family of the consumer before National Consumer Disputes Redressal Commission, the Doctor died. Subsequently, the complainant, i.e., the person against whom the negligence has been alleged, has also died.

2) The Consumer Protection Act, 1986 was in existence on the date of cause of action, and amended later, which is now replaced by new Act. However, in such circumstances, as per the provisions of the new Act, what would be the fate of the complaint may be looked into. It has to be addressed that for the negligence by a person, the estate of such person may be liable for compensation through legal heirs.

3) Considering the issue as involved, the case is having wide ramifications, we deem it appropriate to appoint Mr. Raghenth Basant, learned senior counsel and Mr. Varun Kapoor, learned counsel, to assist the Court as *Amicus Curiae*.

4) The relevant documents be supplied by the learned counsel for the petitioner to Mr. Raghenth Basant, *Amicus Curiae*, who may prepare a brief note and file the same on or

before the next date.

5) List for further orders on 03rd February, 2026. The case will be taken up immediately after fresh/bail matters.

(NIDHI AHUJA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR