



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S). _____ OF 2025
[@ SLP (CIVIL) NO(S). 2948 – 2949 OF 2023]**

**THE MANAGING DIRECTOR,
KAMINENI HOSPITALS**

... APPELLANT

Vs.

PEDDI NARAYANA SWAMI & ANR.

... RESPONDENTS

J U D G M E N T

AUGUSTINE GEORGE MASI, J.

Leave granted.

2. Appellant, which is the Hospital being held vicariously liable for medical negligence and foisted with a liability of Rs. 15 lakhs with further compensation of Rs. 5 lakhs upon the doctor of the hospital totalling Rs. 20 lakhs by the National Consumers Dispute Redressal Commission, New Delhi (hereinafter referred to as the “NCDRC”) by order dated 26.08.2022 has challenged the said order along with the order dated 08.03.2011 of the Andhra Pradesh State Consumers Disputes

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Redressal Commission (hereinafter referred to as the “APSCDRC”).

3. The challenge is on the ground that the liability as has been imposed upon the Appellant and the proforma Respondent No.2 – Dr. J.V.S. Vidyasagar on the ground of negligence without there being any medical literature or evidence of any expert substantiating the said findings deserve to be set aside.
4. It is asserted by the Appellant that the hospital and the doctors working therein who had treated the deceased son of Respondent no.1 - the complainant, had followed the due standard of care expected of a medical professional. Once a reasonable competent practitioner had taken caution and due care is observed, the guilt of medical negligence cannot be said to be made out against the doctor as well as the hospital.
5. The medical literature which has been placed on record by the Appellant supported the procedure and the steps which have been taken by the doctors of the Appellant-hospital while providing treatment to the deceased. It is asserted that apart from the due care and caution being observed, and the required sanctions/permissions taken from the attendants of

the deceased no medical negligence, what to say of liability, can be imposed upon the Appellant.

6. There has neither been any negligence nor incompetence at the end of the doctors or staff of the appellant-hospital. Proper timing and medical standards have been duly adhered to in accordance with norms and standard practices recognized and followed in similar circumstances for which there can be no responsibility holding the Appellant hospital liable and therefore the liability *qua* the compensation as has been imposed is unsustainable.
7. Another aspect which has been pointed out is that the amount as has been assessed by NCDRC that is Rs. 20 lakhs is on the higher side and that too without any evidence with supportive documents. This being the basis Counsel for the appellant has argued and put forth his submission in this regard.
8. On the other hand, the Counsel for the Respondent no.1-complainant has supported the judgment and the order passed by the APSCDRC and the NCDRC as far as the liability of the appellant and Respondent No.2 is concerned.
9. On the basis of the discussion as has been referred to including the medical evidence as also the medical records of the deceased patient, it is asserted by the Counsel for Respondent no. 1 that the findings are in

consonance with the pleadings calling for no interference by this Court. Similarly, the quantum of compensation for the negligence as has been assessed by the NCDRC is also supported by contending that the deceased was 27 years of age and was a B.Tech graduate. He was also working in a soap factory and, therefore, the amount of compensation as has been assessed by NCDRC is fully justified calling for no interference by this Court.

10. Having considered the submission made by the Counsel for the parties and upon going through the records of the case, it is apparent that there is ample evidences as well as records to indicate that there was indeed medical negligence at the end of the Appellant and Respondent no.2.
11. The findings thus returned by the APSCDRC and NCDRC in this regard cannot be invalidated and are affirmed.
12. The only question now which requires to be addressed is the quantum of compensation as has been assessed and awarded by the NCDRC.
13. As is apparent from the pleadings, the son of the complainant was 27 years of age at the time of his death, which is the prime age when a person starts his career and has his whole life to look forward to.

14. Similarly, considering that the individual was a B.Tech graduate and he was working in a soap factory, *albeit* drawing a modest salary. In the beginning, when youngsters start their career, generally, humble short steps are taken. It is evident that he was financially supporting the family and had the qualification and potentiality for earning higher income in future. Therefore, it cannot be said that the compensation as has been assessed by NCDRC is without any basis or the quantum is on extremely higher side. As a matter of fact, the NCDRC has fixed the compensation at Rs.5 lakhs to be paid by Dr. J.V.S. Vidyasagar, proforma Respondent no.2 who has accepted the said judgment and has even deposited the said amount.
15. As regards the amount of Rs. 15 lakhs is concerned which is assessed to be paid as compensation by the Appellant, it would not be out of way to mention here that while issuing notice in the present case, this Court had directed the Appellant to deposit an amount of Rs.10 lakhs in the Registry of this Court to be invested in short term fixed deposit to be renewed from time to time. We have been informed that the said amount has increased with the auto renewal facility over a period of time. We are thus of the considered view that the amount of Rs.10 lakhs as stands deposited in this Court by the Appellant

along with the accrued interest thereon would serve the interest of justice and the said amount of compensation would suffice as far as the liability of the appellant hospital is concerned.

16. In view of the above, the decision of the NCDRC is upheld however, the amount of compensation with regard to the liability of the appellant – hospital would stand at Rs.10 lakhs along with accrued interest. The amount so deposited be disbursed to Respondent no.1 – the complainant on an application to be submitted to the concerned Registrar of this Court.
17. The appeals stand disposed of in above terms.
18. Pending applications, if any, shall stand disposed of.

..... J.
[B. R. GAVAI]

.....J.
[AUGUSTINE GEORGE MASI]

**NEW DELHI;
APRIL 22, 2025**