

Mr. Diwakar Dwivedi, for the Petitioners
Mrs. M.M. Deshmukh, APP for the State/
Respondent No.1.
Mr. Shehzad Rasiwalla i/b. Rahul Sachdev, for
Respondent No.2.
Mr. A.D. Sonkawade i/b. Ganesh Gole, for
Respondent Nos.3 and 5.

CORAM : V.M. KANADE &
P.D. KODE JJ.

DATE : JULY 31, 2014

PC:

1. Office is directed to give a separate number to Writ Petition Nos. 2359 and 2136 of 2014 and also Writ Petition No. 352 of 2013 as Criminal Public Interest Litigation. Since the issue raised in these three petitions has been resolved, these petitions are disposed of and the Criminal Public Interest Litigation will now be heard and issues which are to be decided in the said Public Interest Litigation will be formulated on the next date. This Public Interest Litigation will be heard along with Writ Petition No. 832 of 2014.

2. Writ Petition No. 832 of 2014 be de-tagged and be placed separately. We request learned Senior counsel Shri. Vijay Thorat to assist the Court as *Amicus Curiae* in the Public Interest Litigation. He may formulate the issues which are to be decided.

3. Primarily we are concerned with the allegations which are made in one of the petitions that the patients are detained by hospitals in the event of non-payment of bills; and secondly, even if the patient dies, the body of the patient is not handed over unless the disputed bills are paid by the relatives of the deceased. Third issue is, very often it is alleged that medical case papers of either of the deceased or the patients are not handed over to the near relatives. Fourthly, it is alleged that hospitals demand payment of the cost of surgery in advance, either after the patient is admitted and requires immediate medical intervention in

the form of surgery or after operating the medical procedure which has to be performed.

4. We have in the earlier matter already issued notice to the concerned parties. Additional issues which will have to be formulated in the Public Interest Litigation will be formulated by the learned Senior counsel Shri. Vijay Thorat and may be submitted on the next date. S.O. to 7th August, 2014 (HOB).

5. So far as Writ Petition No. 832 of 2014 is concerned, it is adjourned by two weeks. Ad-interim order in this petition be continued till next date.

6. Union of India and the Municipal Corporation of Greater Mumbai be made party-respondents in the Public Interest Litigation.

(P.D. KODE, J.)

(V.M. KANADE, J.)