

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13029 OF 2025

MASTER DEVARSH JAIN & ANR. APPELLANT(S)

VERSUS

FORTIS HOSPITAL & ORS. RESPONDENT(S)

O R D E R

1. This appeal arises out of the final order dated 17.03.2025 passed by the National Consumer Disputes Redressal Commission¹, New Delhi, in Consumer Complaint Diary No. 1941/NCDRC/2025-CC. By the said order, the NCDRC opined that the nature of the relief prayed for and the enquiry sought to be initiated should be undertaken at the first instance by the Central Consumer Protection Authority under Chapter III of the Consumer Protection Act, 2019. The NCDRC, accordingly, observed as under: -

“38. The present complaint therefore as framed, instead of entertaining it to make an enquiry into the qualifications or disqualifications or otherwise of specialist doctors can be better availed of by taking recourse to if permissible in law under Chapter III of the Consumer Protection Act, 2019 and therefore the present action is consigned without prejudice to the rights of the Complainants to approach the competent forum for redressal in

1 “NCDRC”, for short

accordance with law. It shall be open to the Complainants to approach the appropriate forum for such reliefs as they may be entitled to as per law."

2. We may note that the prayer of the petitioners before the NCDRC in their consumer complaint read as follows: -

"In view of the facts and circumstances of the case, it is respectfully prayed that this Hon'ble Commission be pleased to:

1. Direct the OPs to discontinue their unfair trade practice of misrepresenting the qualifications of their doctors, i.e. OP Nos.2 and 3, as it endangers the health and safety of large number child patients; and to refrain from engaging in such practices in the future;
2. Direct OP Nos. 1 to 3 to refund the charges paid by the entire class of unsuspecting consumers, conservatively estimated at ₹1,350 crores, along with interest, for services availed based on their misrepresentation since their employment, and to deposit any unclaimed amounts into the Consumer Fund or any other appropriate fund;
3. Direct the OPs to compensate the class of consumers for the loss and injury suffered due to negligence, malicious conduct, unfair trade practices, and deficiency of services by the "unqualified doctors" or "quacks", namely OP-2 & OP-3 employed by the OPs. The complainants' claims for loss and injury are detailed in paragraph 25 of the complaint;
4. Direct a safety audit of all Fortis branches across various States in the country to

evaluate the qualifications and eligibility of their doctors so to curb the deficiencies, prevent malpractice, and ensure that consumers (patients) are not subjected to unsafe or substandard services;

5. Grant any other relief that this Hon'ble Commission may deem fit and proper in the interest of justice."

3. From a bare reading of the aforestated prayers, it is clear that prayer Nos. 1, 2 and 4 were in the nature of class actions whereas a part of prayer No. 3, apart from being a class action, was also personal to the complainants, as they sought payment of compensation in terms of paragraph 25 of the complaint. Paragraph 25 was titled "Quantification of Damages in the Individual Cases of the Complainants" and read as under: -

"25. QUANTIFICATION OF DAMAGES IN THE INDIVIDUAL CASE OF COMPLAINANTS

25.1 The medical condition of the child is irrecompable, and no amount of money could really compensate the pain and the disabilities. However, the victims are still entitled to compensation for the pain and disabilities, including compensation for the prospective life, medical expenses, pain and suffering happiness. etc. for "loss of expectation and quality of life". For the purpose of determining the compensation in the case of complainant, the complainant seeks to rely on the principle of *restitutio in integrum* as recognised and relied on in *Malay Kumar Ganguly v. Sukumar Mukherjee* (2009) 9 SCC 221 and

in *Balram Prasad case* [(2014) 1 SCC 384 and *V. Krishnakumar v. State of T.M.* (2015) 9 SCC 388. Reliance is also placed on *Nizam's Institute of Medical Sciences v Prasanth S. Dhananka*, (2009) 6 SCC.

25.2 Assuming the Life expectancy of the complainant child is taken to be 67 years, the compensation is being calculated under the following heads:

S.No.	Nature of compensation	Quantification
1.	Nursing care (8 hourly 3 shifts a day)	Rs. 2400 per day
2.	Washerwomen and Aaya	Rs. 500 per day
3.	Physiotherapy/Pccupational therapy	Rs. 1000 per day
4.	Extra nourishment	Rs. 500 pre day
5.	Doctor, Medicines, consumables	Rs.10,000 per month
6.	Assisting equipment	Rs. 50,000 per month
7.	Future continuous medical aid & Rehabilitation plan	Rs. 1 Crore
8.	Past expenses	Rs. 50,000 per month
9.	Severe Mental and physical disabilities, full body paralysis, muteness, vision impairment, immobility, vegetativeness, non-consciousness of the surroundings, inability to recognise parents. Loss of enjoyment of the life. Cerebral palsy, epilepsy, Perpetual Pain and sufferings	Rs. 5 Crore
10.	For the loss of their only child, who has been in a vegetative state since 2018 with no prospects of recovery, the parents endure perpetual anxiety,	Rs. 2 Crore

	deprivation, agony and distress. The complainants mother has sacrificed everything in life and has been confined to a room with the child to provide constant care. The family members are engaged in 24/7 care of the child, who is completely bedridden and requires round-the-clock assistance and attention. The entire family has been thrown into disarray.	
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Compensation under any other head which this Hon'ble Commission may consider expedient may be awarded in the interest of justice.

Claims at Sr. Nos. 1 to 6 may be awarded, while also taking into consideration future increase in medical expenses due to inflation etc.

As the child is growing, day by day it is becoming difficult for the family members to manage the child at their own, and they require assistance of trained nurses and staff at the earliest."

4. Given the nature of the prayers, which not only included class actions but also personal reliefs insofar as complainants were concerned, we are of the opinion that it would be proper for the appellants to take recourse to the appropriate forum for redressal of their personal grievances and their claims for compensation in relation thereto. They may seek redressal of the grievances sought to be canvassed as class actions before the authority in terms of the directions of the NCDRC. As the appellants have been

labouring over these issues for a sufficiently long time, we would request the forum and the authority that they approach to expedite the process to the extent possible and decide the matters placed before them in accordance with law.

5. The appeal is, accordingly, disposed of.
6. The issue of limitation would also have to be considered by the forum and the authority in the context of the time consumed by the appellants in pursuing the litigation before the NCDRC and before this Court.
7. We make it clear that we have not expressed any opinion on the merits of the matter and all issues are left open to be considered by the appropriate forum and the authority.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
AUGUST 19, 2026

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

Civil Appeal No. 13029/2025

MASTER DEVARSH JAIN & ANR.

Appellant(s)

VERSUS

FORTIS HOSPITAL & ORS.

Respondent(s)

(IA No. 248004/2025 - CONDONATION OF DELAY IN FILING, IA No. 248005/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No. 248002/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Appellant(s) :

Dr. Menaka Guruswamy, Sr. Adv.
Mr. Anmol Gupta, Adv.
Mr. Ajay Kumar Agarwal, Adv.
Mr. Mr. Hardeep S. Sodhi, Adv.
Ms. Shaswati Parhi, Adv.
Mr. Shobhit Jain, Adv.
Mr. Rajiv Ranjan Dwivedi, AOR
Mr. Vinod Kumar, Adv.
Mrs. Subhadra Dwivedi, Adv.
Mr. Vishal, Adv.

For Respondent(s) :

Mr. Siddharth Agarwal, Sr. Adv.
Mr. Arjun Dewan, Adv.
Mr. Nitin Saluja, AOR
Ms. Vasudha Singh, Adv.
Ms. Shivani Mehta, Adv.
Mr. Aryan Deol, Adv.
Mr. Kartik Sharma, Adv.
Mr. Sidharth Agarwal, Adv.

Ms. Aishwarya Kumar, Adv.
Mr. Kunal Kher, Adv.
Dr. Mrs. Vipin Gupta, AOR

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

The appeal is disposed of, in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
DEPUTY REGISTRAR

(PREETI SAXENA)
COURT MASTER (NSH)

(signed order is placed on the file)