

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)No.1191 of 2018

For Petitioner(s)	:	Mr. A. Bhowmik, Adv.
For Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE S. TALAPATRA

Order

09/10/2020

Mr. A. Bhowmik, learned counsel appearing for the petitioner at the outset has drawn attention of this court to para-4 of the additional counter affidavit filed by the respondents on 06.10.2020. In para-4, those respondents have stated that the father of the petitioner was suffering from Ascites when referred by the Standing Medical Board, AGMC & GBP Hospital, Agartala. Cause of death has been mentioned to be UGI Bleeding, Severe Anemia, Plasma Cell Dyscrasia and Acute Kidney injury in the death certificate issued by the Apollo Hospitals, Chennai on 20.09.2017 [Annexure-4 to the writ petition].

The respondents have raised the question whether such disease is caused due to cancer or not, is not clear on the face of the death certificate. Therefore, the respondents have suggested that the matter may be referred to the Standing Medical Board for opinion.

Mr. Bhowmik, learned counsel has quite robustly contended that there cannot be any different opinion in respect of origin of Plasma Cell Dyscrasia. In support of that, the sufficient expert opinions have been gathered by the petitioner and enclosed with the writ petition and the rejoinder.

Be that as it may, this court is of the view of that if the state wants to get any opinion from the Standing Medical Board, it is not unreasonable.

As such, the petitioner is directed to place all the medical records including death certificate of Subal Ch. Majumjder, his father, issued by the Apollo Hospitals, Chennai. The petitioner is allowed to submit the expert opinions which have been annexed with the writ petition and the rejoinder for perusal by the Standing Medical Board. All medical records as referred above, as well as the opinion of the experts which the petitioner would like to rely on be submitted to the Standing Medical Board on or before 20.10.2020. The Standing Medical Board shall examine the records and the opinion by 17.11.2020 and their report must reach to this court under sealed cover through Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents by the next date.

List the matter on **20.11.2020**.

Mr. Debbarma, learned Addl. G.A. is directed to communicate the copy of this order to the Standing Medical Board and give them instruction to send the report to this court before the next date.

A copy of this order be furnished to the learned counsel for the parties in the course of the day.

JUDGE