

Medical Negligence Claims After Death

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Medical Negligence Claims Latest News

- The Supreme Court of India has ruled that medical negligence cases do not automatically end with the death of the accused doctor.
- A bench comprising Justices J. K. Maheshwari and Atul S. Chandurkar held that legal heirs of the deceased doctor can be made parties to the case, and proceedings may continue for **claims involving financial loss** recoverable from the doctor's estate.
- However, personal claims such as pain, suffering, or reputational damage will lapse upon the doctor's death.

Background of the Medical Negligence Case

- The case originated from an eye surgery performed in Bihar in 1990. Suresh Chandra Roy approached Dr. P. B. Lall after his wife experienced severe pain in her right eye.
- Although surgery was conducted, her condition worsened, eventually affecting vision in both eyes and requiring another surgery in 1994.

- The family filed a complaint under the Consumer Protection Act, 1986, seeking compensation for medical expenses, loss of vision, travel costs, and mental agony.

District Forum and State Commission Decisions

- In 2003, the district consumer forum held Dr. Lall negligent and awarded compensation.
- However, the Bihar State Consumer Disputes Redressal Commission later overturned the decision, ruling that glaucoma — not negligence — caused the vision loss.
- The matter was appealed before the National Consumer Disputes Redressal Commission (NCDRC).
- During the proceedings, Dr. Lall died in 2009, after which his wife and son were impleaded as legal heirs.

Dispute Over Continuation of the Case

- The legal heirs argued that medical negligence claims are personal in nature and should end with the doctor's death.
- However, the NCDRC rejected this argument, leading the matter to reach the Supreme Court of India.

Legal Principles Governing Continuation of Medical Negligence Cases

- The Supreme Court of India examined the traditional legal maxim *actio personalis moritur cum persona*, which means a personal legal action ends with the death of the person involved.
- Historically, this principle caused personal injury claims to lapse after death.

Evolution of Indian Law

- Indian statutes gradually modified this rule:
 - The **Legal Representatives Suits Act, 1855** allowed claims involving financial loss to continue against legal representatives.
 - The **Fatal Accidents Act, 1855** created rights to sue for deaths caused by wrongful acts.
 - These principles were later consolidated in **Section 306** of the **Indian Succession Act, 1925**.

Section 306 of the Indian Succession Act

- Section 306 states that legal rights to prosecute or defend actions survive against legal representatives except in cases involving defamation, assault, or personal injuries not causing death.
- This means claims involving pecuniary or financial loss may continue even after a party's death.

Role of Order XXII of the CPC

- Order XXII of the Civil Procedure Code deals with substitution of parties after death.
- If the right to sue survives, legal heirs can be brought on record within the prescribed limitation period; otherwise, the suit abates.
- **Section 13(7)** of the **Consumer Protection Act** extends these procedural rules to consumer disputes, including medical negligence cases.

Court's Interpretation

- The Court clarified that:
 - Purely personal claims such as pain, suffering, or reputational harm end with death.
 - Claims involving financial loss can continue against legal heirs, limited to the value of the inherited estate.

Substantive vs Procedural Law

- The judgment distinguished between:
 - Procedural law (Order XXII CPC), which explains how to continue proceedings after death; and
 - Substantive law (Section 306), which determines whether the legal claim itself survives

What the Supreme Court Held in the Medical Negligence Case

- The Supreme Court of India ruled that purely personal claims, such as pain, suffering, or reputational harm, end with the death of the accused person.
- However, claims involving pecuniary or financial loss can survive against the deceased person's estate.
- Interpreting Section 306 of the Indian Succession Act, the Court held that exceptions relating to personal injuries must be interpreted narrowly and cannot extinguish all claims arising from personal injury disputes.

Difference Between Personal and Proprietary Rights

- The Court distinguished between:
 - **Personal rights** — linked to an individual's dignity, reputation, or emotional suffering, which abate upon death; and
 - **Proprietary rights** — involving financial losses or economic interests connected to the estate, which survive and can be pursued against legal heirs.
- The Court rejected the argument that all claims automatically continue under the Consumer Protection Act.
- It clarified that procedural provisions under the Act apply only if substantive law recognises survival of the claim.

Reactions to the Supreme Court Judgment

- Legal experts said the judgment attempts to balance personal liability and financial accountability by allowing compensation claims to continue only against the deceased doctor's estate, not against legal heirs personally.
- However, questions remain about situations where:
 - the legal heirs inherit no estate, or
 - multiple heirs are involved and liability must be apportioned.
- Some experts believe that while the ruling protects consumer interests, imposing financial liability on heirs may still appear unfair in certain circumstances.

- Many doctors may view the ruling as **increasing pressures** already associated with medical practice and litigation.
- Experts warned that fear of extended legal liability may encourage doctors to refer critical or high-risk patients to larger hospitals with stronger legal support systems, potentially affecting patient care dynamics.

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