

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.3654 of 2015****Decided on: 28th February, 2026**-----
Rajeev Kumar and others**.....Petitioners****Versus**

State of H.P. and others

.....Respondents
-----**Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**

For the Petitioners: Ms. Tim Saran, Advocate.

For the Respondents: Mr. Vishwadeep Sharma, Additional
Advocate General.-----
Jyotsna Rewal Dua, Judge

Heard. Petitioners' case is that his marriage was solemnized with one Smt. Reena Devi on 27.01.2008. The couple was blessed with a male child on 31.01.2009. Smt. Reena Devi, being in family way for the second child, was admitted in the maternity ward of Regional Hospital, Kullu on 09.01.2014. She died in the labour room giving birth to a female child the same day, i.e. 09.01.2014. As per the post mortem report, Smt. Reena Devi had died due to 'Neurogenic shock added hypovolemia'.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



2. Learned counsel for the petitioners contended that Smt. Reena Devi had died because of lapses on part of the respondents and their agencies. Her life could have been saved had due care been taken. It was also emphasized that petitioner No.1 and his In-laws had reported the matter to the District as well as Hospital Administration. A Magisterial Inquiry was also conducted by the Additional District Magistrate, Kullu, who in his inquiry report dated 24.05.2014, had observed as under:-

“..... There are questions which need answer from Hospitals administration:- Though its true that PPH is a serious condition but patients at times have been saved due to timely intervention. In such a situation there is every possibility that patient’s health could become critical at any stage. Though there is no direct lapse of any one particular person with the death of patient Smt. Reena Devi but Hospital Administration need to answer few questions. Had everything would have been in order then may be patients life could have been saved or issue raised after death could have been answered in a better way.”

“Its understood that there is not proper mechanism at place in the District Hospital, as is claimed, to meet such kind of emergencies. In view of the discussion made above no one particular individual can be blamed for the death of Smt. Reena Devi but Smt. Reena Devi is a victim of apathy of system & attitude of Hospital Administration.”

Petitioners allege that as per the inquiry report, Smt. Reena Devi had died due to absence of Anesthesiologist, non-operational ventilator, inadequacy of required blood groups and non-readiness of operation theaters to handle emergency. Petitioners allege violation of fundamental right of life.



3. Petitioners have asserted facts, which have been disputed in the reply filed by the respondents. According to them, every possible effort was made to save Smt. Reena Devi's life by giving her best possible and expertise medical treatment as per protocol & norms of treatment, but despite best efforts of Gynecologist and Medical Officer alongwith the complete team of Hospital, she unfortunately could not survive. The case involves disputed question of facts, which are required to be proved by leading evidence in accordance with law before the appropriate Forum for attributing death of petitioner's wife to any negligence on part of the respondents. The exercise for adjudicating disputed questions of facts regarding negligence or otherwise, in the given facts and stand of the parties, cannot be resorted to in the instant petition instituted under Article 226 of the Constitution of India.

4. Accordingly, this writ petition is disposed of with liberty reserved to the petitioners to avail the remedies available to them before the appropriate Forum in accordance with law. Pending miscellaneous application(s), if any, also stand disposed of.

February 28, 2026
Mukesh

Jyotsna Rewal Dua
Judge