

Detailed Explainer of: Survival of Medical Negligence Claims against the Estate of a Deceased Doctor (financial liability of the estate of a doctor accused of medical negligence)

Kumud Lall vs. Suresh Chandra Roy (Dead)

Supreme Court of India

Bench: Justice J.K. Maheshwari Citation: 2026 INSC 443

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BACKGROUND FACTS

The case arose from an allegation of medical negligence against Dr. P.B. Lall, an ophthalmologist.

In February 1990, the complainant's wife underwent eye surgery by Dr. Lall for severe pain and glaucoma-related problems.

Her vision later deteriorated, and treatment was subsequently taken at Bhagalpur, Aligarh, and finally at Shankar Netralaya, where another doctor allegedly stated that the earlier treatment was improper.

A consumer complaint for medical negligence was filed in 1997, claiming compensation of Rs 4.5 lakhs.

PROCEDURAL HISTORY

District Forum

Held Dr. Lall negligent and awarded Rs 2.6 lakhs in compensation.

State Consumer Commission (SCDRC)

Reversed the finding and held that the patient suffered from glaucoma, surgery was done in good faith, and no expert evidence proved negligence.

Revision before NCDRC

During pendency of revision, Dr. Lall died in 2009. The complainant sought substitution of Dr. Lall's legal heirs (wife and son). NCDRC allowed substitution. The legal heirs challenged this before the Supreme Court.

Core Legal Issue

The Supreme Court framed the key question

Whether, after the death of a doctor during appellate proceedings in a medical negligence case, his legal heirs can be substituted and held liable for the alleged negligence?

Main Legal Principles Discussed

Doctrine: Actio Personalis Moritur Cum Persona

The Court extensively discussed the common law maxim: "A personal action dies with the person." Traditionally, purely personal tort claims die with the person, but claims affecting estate/property may survive.

SECTION 306 OF THE INDIAN SUCCESSION ACT, 1925

The Court held that Section 306 is central. It states that causes of action generally survive against legal representatives except defamation, assault, and "other personal injuries not causing death." The Court interpreted this provision narrowly.

DIFFERENCE BETWEEN

Personal Claims such as

- pain,
- suffering,
- mental agony,
- reputational harm,
- Generally, die with the person.
- and

Estate-based Claims such as

- pecuniary loss,
- medical expenses,
- loss to estate,
- Enrichment of the wrongdoer's estate may survive against legal representatives.

The Supreme Court held

- *Legal representatives only represent the estate*

They do not inherit the personal liability of the deceased doctor.

- *The Consumer Protection Act does not override substantive succession law*

Though Order XXII CPC allows substitution procedurally, survival of the claim depends on substantive law under Section 306 of the Indian Succession Act.

- *The welfare nature of the Consumer Protection Act cannot create new substantive rights*

The Court rejected the argument that consumer welfare legislation automatically allows continuation of all negligence claims after the death of the doctor.

Significance of the Judgment

This is an important judgment because it clarifies:

In medical negligence cases

Legal heirs of a deceased doctor are not automatically personally liable.

- Only claims affecting the deceased's estate may continue.
- The ruling has broader implications for:
 - tort law,
 - motor accident claims,
 - professional negligence,
 - consumer disputes,
 - survivability of legal actions after death.

In easy language

The recent judgment pronounced by the Honourable Supreme Court on the financial liability of the estate of a doctor accused of medical negligence before the consumer court is interpreted in the wrong way by the medical fraternity.

Two important clarifications

The first clarification, this judgment is not laying down a new law. It is merely interpreting a section of the Indian Succession

Act 1925 and its applicability in consumer cases after the death of either of the parties. In fact, the law clarified in this judgment was applied in civil courts and even in consumer courts across India for more than 100 years. The Honourable Supreme Court had probably anticipated this aspect, and hence, in paragraph 63 of the judgment, it is clearly observed, quote this Court herein is only answering the question on interpretation of the applicable law unquote.

The second clarification, the discussions around this judgment seem to suggest that the law laid down would apply only to doctors. This is baseless. The law laid down will apply to all service providers, whether a carpenter, a taxi driver, an architect, or a doctor. This case was certainly about a doctor, but the law laid down will apply to one and all.

- Let us now understand the law laid down by the Honourable Supreme Court in this judgment in simple words:-
- First, the right of the patient to sue a doctor survives even after a doctor's death.
- Second, the compensation granted to patients by the Court can be recovered from the estate left by the doctor. An estate means the property left by a deceased person.
- Third, only the deceased doctor's estate, inherited by their heirs and legal representatives, will be liable, not the personal property of the heirs and legal representatives.
- Fourth, this law does not apply to personal injury claims. Law differentiates between the proprietary rights and the personal rights of every person.
- The law propounded in this judgment clearly excludes personal injuries of the deceased person. This aspect has always been legally contentious worldwide.
- The Supreme Court's judgment in Kumudlal versus Suresh Chandra Roy through LR's and others is an eye-opener for all doctors, patients, media, and parliament.

Practical Takeaway

The judgment establishes that:

Key ratio

The Court preferred a restrictive interpretation of Section 306 and held that Substitution of legal heirs is permissible only to the extent the claim survives against the estate.

Legal representatives cannot be saddled with personal liability for the deceased doctor's alleged negligence unless estate-related claims are involved.

Type of Claim	Survives After Death?
Personal injury/pain & suffering	Usually No
Defamation/personal torts	No
Pecuniary loss to the estate	Yes
Claims against estate/property	Yes
Purely personal negligence liability	Does not survive personally against heirs