

(2002) 02 NCDRC CK 0065

In the National Consumer Disputes Redressal Commission

Bimla Jain

APPELLANT

Vs

N.P.SINGH HOSPITAL

RESPONDENT

Date of Decision : 04-02-2002

Acts Referred:

Citation : 2002 0 CTJ 442 : 2002 2 CPC 279 : 2002 2 CPR 49 : 2002 3 CPJ 260

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. THIS petition is by the complainant. Alleging medical negligence by the respondent-doctor, complainant-petitioner filed a complaint in the District Forum. It was held that there was no medical negligence. Petitioner went in appeal to the State Commission which also held that there was no medical negligence and dismissed the appeal. It was thus concurrently held that it was not a case of medical negligence on the part of the respondent-doctor for which complainant was to be compensated.

2. COMPLAINANT-petitioner had huge incisional hernia. She was operated by the respondent on 30.8.1996. Petitioner contended that a cut of 10" was made on her belly and after surgery the cut was stitched. These stitches were removed after 10/12 days of the surgery. However, two sides of the cuts did not join and the belly remained in two halves after removal of the stitches. Respondent had done mesh plastery and mesh remained protruding from the inner portion of the belly which was clearly visible. It was then contended that fixing of mesh caused infection which resulted the petitioner having fever. Respondent found he was not in a position to treat the petitioner and advised that she could be taken for treatment to another doctor in Chandigarh. Husband of the petitioner, however, took her to New Delhi for treatment. Respondent had denied all these allegations. He contended that he removed the stitches on 8th day of the operation. He pleaded that the petitioner had a seroma which was a known occurrence when a foreign body is implanted in the body tissues. He said that a portion of the wound was opened up to drain it after the suction drain got pulled

out. It is not disputed that the respondent is a qualified surgeon and his competence is also not disputed. Respondent also said that what the petitioner required was dressing with meticulous care. Petitioner was discharged on 20.9.1996 as her husband wanted to shift her to Delhi. Respondent said he performed the surgery well and there was no negligence on his part. State Commission noticed that the petitioner had taken treatment from various hospitals including in New Delhi after taking discharge from the hospital of the respondent. Dr. S.M. Bose, Professor of Surgery, P.G.I, Chandigarh, gave his opinion and said that there was no medical negligence which could be attributed to respondent. We do not find it is a fit case for us to exercise our jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act. This revision petition is dismissed. Revision Petition dismissed.