

(2007) 02 NCDRC CK 0019

In the National Consumer Disputes Redressal Commission

BITONI

APPELLANT

Vs

SATYA NARAIN CHAUHAN (Dr.)

RESPONDENT

Date of Decision : 26-02-2007

Acts Referred:

Citation : 2007 1 CPR 512 : 2007 2 CPJ 249

Hon'ble Judges : K.S.Gupta , P.D.Shenoy J.

Final Decision : Revision Petition dismissed

Judgement

1. IN this revision, challenge is to the order dated 21.9.2006 of M.P. State Consumer Disputes Redressal Commission, Bhopal dismissing appeal against the order dated 12.9.2005 of a District Forum whereby complaint filed by the petitioner alleging medical negligence in treatment of her daughter Pramila by the respondents was dismissed.

2. IT is not in dispute that Pramila had died of Styevens-Johnson Syndrome. Petitioner alleged that the deceased was seen for fever by respondent No. 1/ opposite party No. 1 then posted as Medical Officer in District Police Hospital, Mandsaur on 23.10.2003 and he had prescribed certain medicines including tablet Raziz vide prescription dated 23.10.2003. Petitioner further alleged that she paid fee to respondent No. 1, the deceased developed reaction on her skin due to taking of tablets Raziz and she was, therefore, taken to respondent No. 2/ opposite party No. 2, a private medical practitioner on 3.11.2003. Deceased was shifted to RNT Medical College Hospital, Udaipur on 6.11.2003 and from there taken to Rajasthan Hospital, Ahmedabad where she expired on 19.11.2003. State Commission exonerated the respondent No. 1 mainly on the ground that treatment was provided by him free of charge. Respondent No. 2 was exonerated on the ground that reaction had developed much before the deceased was seen by him and he, thus, could not be held responsible for medical negligence. District Police Hospital, Mandsaur is a Government Hospital where treatment is rendered free of charge. Petitioner had not adduced any evidence in support of the having paid fee to respondent No. 1. Having heard Ms. Reeta Mishra, Amicus

Curiae for petitioner we do not find any illegality or jurisdictional error in the order of State Commission exonerating both the respondent doctors for medical negligence on the said grounds. Revision petition is dismissed. Revision Petition dismissed.