

(2001) 08 NCDRC CK 0033

In the National Consumer Disputes Redressal Commission

GURU TEG BAHADUR SAHIB (CHARITABLE) HOSPITAL

APPELLANT

Vs

D.K.NAYYAR

RESPONDENT

Date of Decision : 31-08-2001

Acts Referred:

Citation : 2002 0 CTJ 914 : 2002 1 CLT 357 : 2002 1 CPC 107 : 2002 1 CPJ 395 : 2002 1 CPR 442

Hon'ble Judges : H.S.Brar , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Appeal dismissed

Judgement

1. IT is an appeal against the order dated 29.4.1999 of District Forum, Ludhiana whereby complaint of the complainant was accepted and opposite party No. 4 was directed to pay a compensation of Rs. 50,000/- along with interest @ 12% p.a. from the date of filing of the complaint i.e. 19.2.1997.

2. THE facts of the case are that the wife of the complainant, Smt. Sushila, was unwell on 7.12.1996 and as such he took her to Guru Teg Bahadur Sahib Charitable Hospital, Ludhiana for medical check-up and her Out-patient Card No. was 109 dated 7.12.1996. Opposite party No. 3 checked his wife and he diagnosed that blood sugar was 38 against the minimum requirement of 80. THE complainant bore all expenses of medical check-up of his wife. He was prepared for her admission also but the opposite party No. 3, Dr. Sanjay Saluja asked him to take his wife to his residence. He suggested some medicines. After taking the tablets, his wife suffered from Diarrhoea and she died on 8.12.1996 morning. It was alleged in the complaint that the death of her wife occurred due to the negligence of the opposite party. THE main complication of his wife was decrease in blood sugar and the same should have been maintained before starting any other medicine. THE complainant showed the chart of diagnose of opposite party No. 3 to several doctors and all of them were of the opinion that opposite party No. 3 should have first got the wife of the complainant admitted in the hospital and she should have been put on glucose so that the blood sugar was maintained. THE complication of his wife increased and he rushed to Guru Teg

Bahadur Sahib Charitable Hospital, Ludhiana but the Hospital Authorities refused to give the ambulance on the ground that they had no ambulance to take the patients from their houses. THERE was no other vehicle available at mid-night due to severe cold on that day and he could not arrange any other vehicle and as such the complainant could not take his wife to the hospital and she died due to the negligence of the opposite party. THE complainant demanded a compensation of Rs. 4 lacs. Since the opposite party No. 1 had taken a medical policy from opposite party No. 4 as such it was the liability of opposite party No. 4 to make the payment. On being noticed, opposite parties appeared before the District Forum and filed their written statement. Preliminary objection was taken in the written statement that the complaint was bad for mis-joinder and non-joinder of necessary parties and the complaint was to maintainable. It was admitted that the wife of the complainant came to the hospital of the opposite party as an outdoor patient and certain tests were done. It was alleged in the written statement that the wife of the complainant was an old heart patient with hypertension and was old diabetic patient. During the clinical examination, she was also found suffering from diarrhoea and vomiting. After investigation got done by the opposite party, Smt. Sushila was asked to discontinue the tablets of Semidaonil which she was earlier taking, medicine for diabetes. She was told to take sweet thing till the results of blood sugar were received. She was allowed to continue with the other medicines including the medicines for controlling her diarrhoea and vomiting. Her blood sugar was mentioned on the prescription slip. It was denied that the complainant was willing to get her admitted in the hospital or that the opposite party No. 3 refused to admit her. It was also denied that the diarrhoea was due to the tablets taken which were prescribed by opposite party No. 3, rather, she was allowed to continue with the medicines she was previously taking. For the problem of diarrhoea and vomiting, tablet of Tinorgyl and Domstal were added. It has further been alleged that the patient was already having diarrhoea and that was not due to the medicines prescribed by opposite party. There was no deficiency in service on the part of the opposite party. She was having many problems. She was a heart patient and a diabetic. She did not die due to the negligence of the opposite party. It was prayed that the complaint be dismissed.

Both the parties produced their evidence on file, based on which the impugned order was passed.

3. IN appeal before us, Mr. B.B.S. Sobti, Advocate appeared for the appellant and Mr. Vishal Munjal, Advocate appeared for the opposite party No. 1/complainant before the District Forum. Opposite party No. 2 did not appear despite service, therefore, he was proceeded ex-parte. The blood sugar level of Smt. Sushila was only 38 against the minimum requirement of 80 and as per the affidavit of Dr. Parminder Singh, DM (Endocrinology) Head of Unit of Endocrinology, Dayanand Medical College and Hospital, Ludhiana, observation of the patient was must when the blood sugar of patient is 38 Mg. Since Blood sugar of Smt. Sushila was 38 Mg. coupled with low blood Sugar level, she had vomiting and had complaint

of diarrhoea also. The medicines for controlling the vomiting and diarrhoea were also prescribed by the attending doctors but she was not kept under observation by the Hospital Authorities. The critical condition of the patient as revealed through the records of the case speaks itself that the opposite parties were negligent in not doing what they ought to have done in such like circumstances. Leaving an old diabetic and heart patient without monitoring the blood sugar level under their skilled observation itself is deficiency in rendering service. The District Forum has rightly held the opposite parties negligent in performing their duty. Therefore, we hold that the opposite parties were negligent in their duty. We, therefore, affirm the order dated 29.4.1999 of the District Forum and dismiss the appeal. Appeal dismissed.