

(2004) 05 NCDRC CK 0108

In the National Consumer Disputes Redressal Commission

Oriental Insurance Co. Ltd.

APPELLANT

Vs

C.H.M. RAMESH

RESPONDENT

Date of Decision : 26-05-2004

Acts Referred:

Citation : 2005 1 CPJ 153

Hon'ble Judges : A.Raman , R.Vanaroja J.

Final Decision : Appeal dismissed

Judgement

1. -WE are satisfied that there is no merit in this appeal. The facts that the complainant had taken a mediclaim insurance policy and the fact that he was admitted in a hospital called Subha Hospital on 25.8.1997 where he took treatment for 15 days are not controverted. The complainant has now claimed the expenses incurred by him. Though he has made a claim for Rs. 25,000/-, he has produced documents which would show that he has spent only Rs. 6269.80 p. The opposite party resisted the claim only on the ground that the complainant took treatment in a Nursing Home which did not have at least 15 in-patient beds with fully equipped operation theatre and fully qualified nursing staff. Therefore, on this sole ground the opposite party resisted the claim. Clause 2.1 of the policy reads as follows: "Hospital/Nursing Home" means any institution in India established for indoor care and treatment of sickness and injuries and which either- (a) has been registered either as a hospital or nursing home with the local authorities and is under the supervision of a registered and qualified medical practitioner; or (b) should comply with minimum criteria as under- (i) it should have at least 15 in patient beds; (ii) fully equipped operation theatre of its own wherever surgical operations are carried out; (iii) fully qualified nursing staff under its employment round-the-clock."

2. THEREFORE, according to the opposite party, since the complainant was treated in a hospital viz., Subha Hospital which did not fulfil the conditions in Clause 2.1 of the policy, the complainant is not entitled to the relief. The complainant has produced certain documents which have been marked as Ex.

A-1 to A-9. The complainant's case is that Subha Hospital and Saai Sakthi Nursing Home which is situate km. from Subha Hospital both are under the same management and that the said Nursing Home contains all facilities and, therefore, the repudiation of the claim is bad in law. Exs. A-4 is the certificate given by Dr. N. Paari, Director of Sai Sakthi Nursing Home. He is also the Director of Subha Hospital. He has stated clearly that Subha Hospital situated at 1/506 South Avenue Road is to be considered as part of Sai Sakthi Nursing Home as far as professional services are concerned and that Sai Sakthi Nursing Home contains all the facilities. The said certificate is issued by Dr. N. Paari under the letter head of Sai Sakthi Nursing Home in which it is also stated that he is the Director of both Subha Hospital as well as Sai Sakthi Nursing Home. The Health Officer of the Corporation under Ex. A-5 has written to say that Sai Sakthi Nursing Home has been registered under Tamil Nadu P and D Registration Rules. The discharge summary given by Subha Hospital is prepared by Dr. N. Paari and the receipt under Ex. A-8 is also by Dr. N. Paari for having received a sum of Rs. 270/- from the complainant. THEREFORE, the lower Forum rightly held that Subha Hospital is part of Sai Sakthi Nursing Home and thus it satisfied the conditions under Clause 2.1 of the policy. We do not find any flaw in the reasoning or logic of the lower Forum. As pointed out by the lower Forum, the complainant is a poor auto driver and for taking treatment in a hospital he should not be penalized and the stand taken by the opposite party is not a graceful one. While concurring with the said observation of the lower Forum, we have to hold that there is no merit in this appeal and consequently this appeal deserves to be dismissed. In the result, this appeal is dismissed with cost of Rs. 250/- confirming the order passed by the lower Forum. Time : 2 months. Appeal dismissed.