
(2010) 02 NCDRC CK 0007

In the National Consumer Disputes Redressal Commission

PANKAJ SHARMA

APPELLANT

Vs

C M Bhagat

RESPONDENT

Date of Decision : 09-02-2010

Acts Referred:

Citation : 2010 2 CPJ 270 : 2010 2 CPR 127

Hon'ble Judges : R.K.Batta J.

Final Decision : Complaint dismissed.

Judgement

1. MR. Justice R.K. Batta, Presiding Member-In this complaint, medical negligence is alleged against 3 doctors of Bhagat Hospital and 8 doctors of Kailash Hospital. The allegations are carelessness; incompetency of doctors; conspiracy of doctors - OP Nos. 1 to 3; that the doctors - OP Nos. 1 to 3 and other staff of hospital hatched conspiracy to get rid of his wife by shifting her to Kailash Hospital with whom Bhagat Hospital has tie up; that doctors-OP Nos. 5 to 12 misguided and concealed the condition of his wife with a view to fleece money to the tune of lacs of rupees. Except for bare averments in the complaint, no substantive pleadings have been incorporated in the complaint to prove medical negligence. The compensation claimed is highly exaggerated without providing basic data on the basis of which the compensation is claimed. The complainant seeks reimbursement of medical expenses to the tune of Rs. 25.00 lakh spent on treatment and other connected expenses. However, only material placed on record is bill of Bhagat Hospital to the tune of Rs. 27,285 and letter dated 10.9.2008 and bills of Kailash Hospital. From letter dated 10.9.2008, it can be seen that the total bill was to the tune of Rs. 4,41,205 but the complainant had paid only Rs. 2.85 lakh and a sum of Rs. 1,56,205 is still outstanding. The complainant has claimed compensation of Rs. 40.00 lakh on account of loss of earning due to death of his wife. There is no substantive pleading as to the employment of wife of the complainant in the complaint and the only document filed is income tax return for the assessment year 2006-07 where income of Rs.1.08 lakh income from business or profession and Rs.11,100 income from other sources - gross total income being Rs. 1,19,100. The deceased was 30

years of age at the time of death and obviously she would have spent substantial amount of her earning on herself and on her family. The complainant has also claimed expenses of Rs. 25.00 lakh per child i.e. to say Rs. 50.00 lakhs. No basic details in respect of the said claim have been given like age of the children, school in which they were studying, the educational expenses, etc., and the claim made is without any basis whatsoever. Besides this, compensation of Rs. 25.00 lakh is sought for mental agony, harassment and torture. The total claim made is Rs. 1,50,50,000. The claim is highly inflated and exaggerated without any basis whatsoever and would not, prima facie, fall within the pecuniary jurisdiction of this Commission, which is one crore and above.

2. IN view of the above, I am not inclined to entertain or admit this complaint and the complaint is dismissed with no order as to costs.

3. THE complainant may, in case he so desires, seek remedy available to him in appropriate Forum having pecuniary jurisdiction other than the National Commission by incorporating basis and data as also the nexus of negligence of the doctors complained of in the pleadings. Complaint dismissed.