

(2005) 04 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

RAMDHUNI SAHU

APPELLANT

Vs

Dulari Bai

RESPONDENT

Date of Decision : 25-04-2005

Acts Referred:

Citation : 2005 2 CPC 322 : 2005 3 CPJ 35

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

Final Decision : Revision Petition dismissed

Judgement

1. PETITIONER was the opposite party. Respondent filed complaint claiming in all Rs. 60,000/- alleging that on 7.2.1999, the petitioner administered injection in her left hand which caused gangrene and only after treatment in Dr. Prabhat Kothari Nursing Home, Raipur, the hand was prevented from being amputated. In written version, the petitioner denied of having administered the injection to the respondent. Believing the affidavits of respondent Heera Ram Sahu and memo of Dr. Kothari under whose treatment the respondent remained from 20.3.1999 to 6.4.1999 and disbelieving the affidavit of petitioner and his nephew-Arun Kumar Sahu, the District Forum returned the finding that injection which caused gangrene was given by the petitioner. Thus, petitioner was ordered to pay compensation of Rs. 25,000/- to the respondent. Appeal filed against District Forum's order by the petitioner was dismissed by the State Commission affirming the said finding of District Forum.

2. ORDER passed by District Forum notices that on the FIR lodged by respondent, a case was registered, charge-sheet filed and petitioner convicted under Sections 269 and 337, IPC, and sentenced to undergo three months imprisonment. Short contention advanced by Mr. R.K. Bhawanani for petitioner was that as appeal filed by petitioner against the order of trial Magistrate is pending, the orders passed by Fora below deserve to be suspended till the outcome in appeal. To be only noted that the respondent had remedies available both under the criminal and civil laws against the petitioner. Relief in the shape of compensation of Rs. 25,000/- as awarded has nothing to do with the

pendency of criminal appeal. In view of concurrent finding returned by the Fora below in regard to petitioner being responsible for administering injection which resulted into gangrene in the left hand of respondent, we do not find any justification whatsoever in interfering with the order of State Commission in revisional jurisdiction under Section 21(b) of Consumer Protection Act, 1986. Accordingly, revision is dismissed. R.P. dismissed.