
(2000) 01 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

SMITA ASHOK BANGAL

APPELLANT

Vs

NOORJEHAN ISRAR AHMED ANSARI

RESPONDENT

Date of Decision : 28-01-2000

Acts Referred:

Citation : 2000 3 CPJ 132

Hon'ble Judges : G.R.Bedge , Rajyalakshmi Rao J.

Final Decision : Order confirmed

Judgement

1. THE order of the District Forum is confirmed. -This appeal is preferred by Mrs. Smita Ashok Bangal, the present appellant and the original opposite party No. 1, aggrieved by the order of the Additional District Forum, Pune in Complaint No. APDF 247/95, where opposite party 1 was directed to pay Rs. 1,50,000/- by way of compensation and Rs. 10,000/- by way of cost to the complainant, Smt. Noorjehan Israr Ahmed Ansari for finding deficiency in service and negligence in medical treatment rendered during the period from 15.6.1994 to 29.6.1994. THE brief facts of the case are as follows :

2. THE respondent is a mother of two minor sons and helps her husband Shri Israr Ahmed A. Ansari in his bakery business. She contacted the appellant on 21.6.1994 for fever and chills and on 24.6.1994, Tablet Perti 400 mg. was prescribed 6 tablets, 2 tablets per day to be taken. THE above tablets caused rash all over the body and affected the skin with severe swelling. On 29.6.1994, since the appellant was out of town, the respondent contacted respondent No. 2, Dr. Ashok Bangal who prescribed tablet terfed 50 mg. Even with this medication, the patient's condition worsened and enhanced severity of drug reaction and she had to undergo treatment at rural hospital in Narayangaon and later at Sasoon Hospital. THE sonography taken on 5.8.1994, reveals that she had a foetus of 11 weeks and she had to undergo abortion. Due to the medication advised by the appellant, there was violent reaction resulting in retarded development of the foetus and she had to abort the child. This also resulted in loss of vision and the respondent became totally crippled reducing her body to quarter her size as of

today. The District Forum has observed from the records obtained from the Civil Hospital and Rural Hospital, Narayangaon established that the respondent came the victim of Stevenson Johnson Syndrome because of the course of 6 tablets of Perti which caused this present detriment to the respondent. Though the respondent prayed for 3 lakhs, she was awarded Rs. 1,50,000/- by way of compensation and Rs. 10,000/- by way of costs of the complaint.

The appellant being aggrieved by the above order, preferred this appeal where she objected that there were no affidavits by the doctors to support respondent's case and that the Trial Court ignored her pleadings completely. It is the appellant's case that her diagnosis of the respondent's illness was correct and that it was typhoid and the said medicine given was the appropriate treatment to cure the life threatening disease. Referring to the affidavit given by Dr. Anil Shevale, the appellant stated that administration of drugs can cause allergic reaction ranging from mild to fatal reaction. Appellant further referred to the affidavit filed by Dr. Gorade, where he states that if a woman has typhoid and she is pregnant, the doctor should treat the patient and should not think about side effect on the baby.

3. SHE further submitted that the respondent has taken tablets Mala D for oral contraception and actually approached her for postponing the menses. It is also her case that the respondent was not 11 weeks pregnant as made out to be on 18.5.1994 as the last menstrual period was 13th May, 1994. The respondent had self medicated herself with ciprofloxacin tablets which were the root cause of this disaster and denied her prescribing them. It was vehemently contended that the respondent No. 1 is suffering from the Steven Johnson Syndrome from consumption of tablets Ciprofloxacin which was not prescribed by her. Holding the judgment of the District Forum to be erroneous, the appellant pleaded to set aside their order. We have gone through all the records, the affidavits, the well reasoned order of the District Forum and the visual evidence of the condition of the patient. It is very disturbing and alarming to see the respondent totally crippled, shrunk to a mini size so much that her husband carried her like a baby in his arms and brought her.

4. THE reasonings appellant has given did not change our opinion for the learned District Forum has given. It is evident that the respondent being a Muslim woman never practised methods of contraception as it is against Muslim Law. Appellant claiming against this reasoning is negated through the interrogation, affidavit and arguments placed before us. It is definitely negligence of the doctor, who obviously by oversight forgot to check the pregnancy factor before treating for typhoid and also continued to do so for a long period, due to which not only the respondent lost her baby but is denied a normal mode of life. It is pathetic to see the state, she is in now. With these observations, the following order : Order THE order of the District Forum is confirmed. No order as to cost. Order confirmed.