

(2001) 03 NCDRC CK 0010

In the National Consumer Disputes Redressal Commission

Tahira Khatoon

APPELLANT

Vs

government OF UTTAR PRADESH

RESPONDENT

Date of Decision : 30-03-2001

Acts Referred:

Citation : 2001 2 CPJ 354

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Advocate : M.M.Khan

Judgement

1. THIS is an appeal against the judgment and order dated 3.10.1992 passed by District Consumer Forum, Gorakhpur in Complaint Case No. 74/ 1992.

2. THE facts of the case stated in brief are that the complainant went to the District Women Hospital, Gorakhpur on 6.8.1990 for her treatment. THEREafter on the next day she again went to the hospital for M.T.P. THE surgery for M.T.P. was done on the same day. On account of this surgery, the uterus of the complainant got burst and there developed pus on permanent basis in the uterus. On account of this fact she was unable to enjoy sexual life with her husband. She has claimed a compensation of Rs. 97,000/- On behalf of the opposite party it was alleged that the case is not triable by the learned District Forum as the complainant is not a consumer. Before this a complaint of a similar nature was lodged in which it was held that as no charges were made, therefore, the complaint is not maintainable on account of the fact that the complainant is not a consumer.

It was further alleged that the treatment of the complainant was done free of charge in the District Hospital. The complainant disclosed on the next date that she has two sons and two daughters and she prayed for vasectomy operation. At that time it was found that the uterus of the complainant was in burst condition which was stitched. The operation was done under the supervision of competent doctors.

3. LEARNED District Forum, after considering the case of the parties, came to the

conclusion that the treatment was done free of cost and hence the complainant is not a consumer and dismissed the complaint. Aggrieved against the order of the learned District Forum, the complainant has come in appeal, and has challenged the correctness of the order passed by the District Forum.

4. WE have heard the learned Counsel for the appellant. Notice was sent to the opposite parties, but the opposite parties did not appear on the date of hearing. A perusal of the judgment will go to show that a sum of Rs. 2/- was charged for prescription and a sum of Rs. 100/- was charged as room rent and Rs. 25/- was charged for glucose. No fee was charged from the complainant for doing the operation. These are incidental expenses, which a person has to pay for the treatment. The hospital does not bear this part of the expenses which are done during the period of operation or after that. Thus we find that the services of the opposite parties were availed free of charge and hence the complainant is not covered under the definition of consumer. The findings of the learned District Forum are perfectly correct and need no interference. The appeal is thus liable to be dismissed. ORDER The appeal is dismissed and the judgment and order of the learned District Forum are confirmed. There will be no order as to the costs. Let copy as per rules be made available to the parties. Appeal dismissed.