

**SUB-SECTOR OF MEDICAL NEGLIGENCE**

S R. N O.	LINK	SECTOR	FACT OF THE CASE	CITATIO N	FORUM	CASE NO.	DATE OF JUDGEM ENT	JUDGEMENT WITH THEME
1.	<a href="http://cms.nic.in/ncdrcusersWeb/GetJudgement.do?method=GetJudgement&amp;caseidin=0%2F0%2FRP%2F2002%2F2013&amp;dtofhearing=2014-01-30">http://cms.nic.in/ncdrcusersWeb/GetJudgement.do?method=GetJudgement&amp;caseidin=0%2F0%2FRP%2F2002%2F2013&amp;dtofhearing=2014-01-30</a>	Private Hospital	Brief facts of the case are that respondent/complainant Tadinada Usha Rani wife of late Doctor T.V.S. Ramakrishna filed the consumer complaint in question, saying that her husband was a life member of the Indian Medical Association, A.P. Branch. The said Association introduced a Family Benefit Scheme for its members and Dr. Ramakrishna became a member of the Scheme vide membership number M/1/0022/002252/92 in the year 1992 and nominated the complainant as his nominee. The husband of the complainant regularly contributed to the Scheme till March 2010. However, he fell seriously ill in March 2010 and was admitted in several private hospitals for treatment and ultimately, he expired on 15.10.2010. The complainant has stated that she was not aware of the terms of payment of the Scheme. However, on 27.12.2010, while vacating the dispensary cum rental house, she found a letter dated 8.12.2010 from the Opposite Party supposed to be a reminder notice for bill no. 38 dated 1.09.2010, reminding for payment of `2,215/- towards instalments and late fees. The complainant sent a letter on the very next date, i.e., 28.12.2010, bringing to the notice of the OP about the sickness of her husband, the treatment taken and his death on 15.10.2010. The complainant also remitted an amount of `2215/- by way of bank draft as per the bill. She requested the OP to send her the claim form, but there was no response from them. On 1.3.2011, the complainant received a bill in the name of her husband, directing him to pay `1,440/- stating that this payment was due by 31.3.2011. The complainant sent reply to this letter on 26.03.2011. She also made payment of `1440/- as stated in the fresh bill and again	Tadinada Usha Rani <b>Versus</b> Chairman Family Benefit Scheme, Indian Medical Association	DISTRICT FORUM	COMPLIANT CASE NO. 31/2011	18/01/2012	The District Forum allowed the complaint and directed the OP to pay a sum of `4,93,085/- with interest @9% p.a. from the date of filing the complaint, i.e., 8.8.2011 till payment and also to pay cost of `2,000/- to the complainant.
				Chairman Family Benefit Scheme, Indian Medical Association <b>Versus</b> Tadinada usha rani	SCDRC ANDHRA PRADESH	FIRST APPEAL NO. 154/2012	13/02/2013	State commission dismissed the appeal and upheld the order of district forum.
				Chairman Family Benefit Scheme, Indian Medical Association <b>Versus</b> Tadinanda Usha rani	NCDRC	REVISION PETITON NO.2002/2013	30/01/2014	National commission hold that the impugned order passed by the State Commission and the order of the District Forum do not suffer from any illegality, irregularity or jurisdictional error. The same are, therefore, upheld and the present revision petition is ordered to be dismissed with no order as to costs.

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			requested the OP to settle the claim. However, on 4.05.2011, the complainant was informed by the OP that her husband had become defaulter for non-payment of the subscription on 1.09.2010 and his name had been deleted from the list of Members of Scheme. The amounts of `2,215/- and `1,440/- were also returned by the OP.					
2.	<a href="http://cms.nic.in/ncdrcuse/GetJudgement.do?method=GetJudgement&amp;caseid=0%2F0%2FRP%2F3231%2F2013&amp;dtofhearing=2014-09-11">http://cms.nic.in/ncdrcuse/GetJudgement.do?method=GetJudgement&amp;caseid=0%2F0%2FRP%2F3231%2F2013&amp;dtofhearing=2014-09-11</a>	CGHS/ Private Hospital	Brief facts of the case are that complainant/respondent is a Government employee and was authorized to take treatment under CGHS rules from private hospital. OP/Petitioner was empanelled under the said rules for treatment. Complainant's wife Mrs. Anamika Ghara felt abdomen pain on 25.12.2011 and was admitted in OP's hospital on 26.12.2011 and after treatment was discharged on 29.12.2011. Single operation was carried out and OP asked complainant to pay Rs.69,000/- towards approximate expenses without providing copy of bill. Ordnance Cable Factory sent draft of Rs.69,000/- to OP. OP issued final bill in January 2012 and had shown more than one operation to cover up amount of Rs.69,000/-. It was further submitted that if one or more minor procedures form part of a major treatment procedure then the package charges would be permissible for major procedure and only 50% of charges for minor procedure as per rules. After sending final bill to Principal Controller of Accounts, he directed that an amount of Rs. 33,630/- be recovered from complainant on account of excess bill from the package amount. Complainant asked OP to refund the amount. As amount was not refunded, alleging deficiency on the part of OP, complainant filed complaint before District Forum. OP resisted complaint and submitted that complainant's wife was admitted in a private single room for she was not entitled as a result	Mr. Dibyendu Ghara <b>Versus</b> Mukata Hospital And Heart Institution	DISTRICT FORUM	COMPLAIN T CASE NO.		Learned District Forum after hearing both the parties allowed complaint and directed OP to refund Rs.28,107/- with 9% p.a. interest and further allowed Rs.10,000/- as compensation and Rs.7500/- as litigation expenses.
				Mukata Hospital And Heart Institution <b>Versus</b> Mr. Dibyendu Ghara	SCDRC CHANDIG ARH	FIRST APPEAL NO.270/2 13	01/07/2013	State Commission dismissed the appeal and upheld the order of district forum.
				Mukata Hospital And Heart Institution <b>Versus</b> Mr. Dibyendu Ghara	NCDRC	REVISION PETITION NO.3231/2 014	11/09/2014	NCDRC did not find any illegality, irregularity or jurisdictional error in the impugned order and revision petition is liable to be dismissed to the extent of refund of Rs.28,107/- with interest. District Forum has also allowed compensation of Rs.10,000/- on refund amount of Rs.28,107/- along with 9% p.a. interest. It would be appropriate to set aside order of payment of compensation of Rs.10,000/- on refund of only Rs.28,107/- and rest of the order is to be upheld. Revision petition filed by the petitioner is partly allowed and order passed by the state commission is partly modified and order upholding compensation of Rs.10,000/- towards

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			thereof actual charges were reduced by 15% as per entitlement of the ward of the patient. It was further submitted that bill was raised in accordance with the approved package rates and OP is not liable to refund any alleged excess payment and prayed for dismissal of complaint.					mental agony and harassment is set aside and rest of the order is affirmed with no order as to costs.
3.	<a href="http://cms.nic.in/ncdrc/usersWeb/GetJudgement.do?method=GetJudgement&amp;caseidin=0%2F0%2F4734%2F2012&amp;dtofhearing=2014-11-05">http://cms.nic.in/ncdrc/usersWeb/GetJudgement.do?method=GetJudgement&amp;caseidin=0%2F0%2F4734%2F2012&amp;dtofhearing=2014-11-05</a>	Government Hospital	Brief facts of the case are that complainant/petitioner employer of Police Department sustained injury on duty on 21.1.2006 and was referred to Civil Hospital, Hoshiarpur. Complainant remained under treatment of OP No.3/Respondent No. 3 from 1.2.2006 to 6.3.2006. On 10.3.2006, OP No. 3 operated complainant and cut wrong vein and ultimately after treatment in Tagore Hospital and Pasricha Hospital, Jalandhar, his right foot was amputated on 27.4.2006 and he was declared 40% handicapped. Complainant was appointed by OP NO. 1/Respondent No. 1 and OP No. 1 has to bear expenses of medical treatment of the complainant. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. OP No. 1 & 2 resisted complaint and submitted that complainant is not consumer qua OP NO. 1 as he availed services free of cost. It was further submitted that complicated questions were involved and there was misjoinder of parties and negligence on the part of doctor was denied and prayed for dismissal of complaint. OP No. 3 also raised similar objections and prayed for dismissal of complaint.	Major Singh <b>Versus.</b> State of Punjab & Ors.  Major Singh <b>Versus.</b> State of Punjab & Ors.  Major Singh <b>Versus.</b> State of Punjab & Ors.	DISTRICT FORUM  SCDRC Chandigarh  NCDRC	Compliant case no.  First appeal no. 06/2008  Revision petition no.4734/2012	          03/08/2012       05/11/2014	The district forum dismissed the compliant as no negligence was proved.          State commission dismissed the appeal. Upheld the order of district forum.       National commission did not allow the revision petition with no order as to costs.