

(1997) 10 NCDRC CK 0020

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

INDERJEET SINGH

APPELLANT

Vs

P.K.BHATIA

RESPONDENT

Date of Decision: Oct. 28, 1997

Citation: 1998 1 CLT 551 : 1998 3 CPJ 289

Hon'ble Judges: M.R.Agnihotri , Sushil Paul J.

Final Decision: Appeal dismissed

Judgement

1. THE complainant has come up in appeal against the order dated 1.7.1996 passed by the learned District Consumer Forum, Karnal, whereby his complaint alleging deficiency in medical services rendered by Dr. P.K. Bhatia has been dismissed as the complainant failed to establish either negligence in duty or deficiency in service.

2. ACCORDING to the complainant, he suffered an accident on 26.8.1992 in which both bones of his left arm were fractured. For that, he was admitted in the clinic of Dr. P.K. Bhatia on 27.8.1992. He remained as indoor patient with Dr. Bhatia upto 9.9.1992 when he was discharged from the aforesaid clinic. Since the infection of his wound did not subside, he got himself operated by Dr. P.S. Maini of Sir Ganga Ram Hospital, New Delhi. Feeling aggrieved, the complainant approached the learned District Consumer Forum, Karnal, claiming compensation from the opposite party - Dr. P.K. Bhatia. In the reply filed by Dr. Bhatia, it was denied that there was any negligence on his part or there was any deficiency in the medical services rendered by him. It was further averred that he was a competent orthopaedic surgeon and was running a nursing home with modern facilities. The parties produced documentary evidence before the District Forum and after examining the same the

learned District Forum did not find any merit in the complaint as there was no negligence or deficiency in service on the part of the doctor. Consequently, the complaint was dismissed.

In the appeal before us, the learned Counsel for the appellant has vehemently contended that since the complainant had to suffer huge expenditure for the subsequent operation by Dr. P.S. Maini, the obvious inference is that the medical treatment given by Dr. P.K. Bhatia was not in accordance with the prescribed norms in various books on the subject.

After hearing the learned Counsel and having gone through the record, we do not find any merit in the plea of the learned Counsel simply because the complainant had to undergo operation subsequently does not necessarily prove that there was any negligence or deficiency in the treatment earlier given by Dr. P.K. Bhatia, No other evidence has been placed on record on the basis of which we could disagree with the conclusions arrived at by the learned District Consumer Forum, Karnal, in the detailed and well-reasoned order. Hence, this appeal is dismissed. Appeal dismissed.