

M.P.STATE CONSUMER DISPUTES REDRESSAL COMMISSION
PLOT NO. 76, ARERA HILLS, BHOPAL (M.P.)

APPEAL NO. 327/2016

Anil Narayan Saxena
S/o Late Kailash Narayan Saxena
R/o Jacchha Khane ke Samney
Laxmiganj, Lashkar
Gwalior (M.P.) ... Appellant

VERSUS.

1. B.I.M.R. Hospital (Birla Hospital)
Through Director
Surya Mandir Road
Residency, Murar
Gwalior (M.P.)
2. Dr. Ravi Shankar Dalmia
B.I.M.R. Hospital
Surya Mandir Road
Residency, Murar
Gwalior (M.P.). ... Respondents

BEFORE:

HON'BLE JUSTICE SUNITA YADAV, PRESIDENT
HON'BLE DR. MONIKA MALIK, MEMBER

COUNSEL FOR THE PARTIES:

SHRI AMIT TIWARI, LEARNED COUNSEL FOR APPELLANT.
NONE FOR RESPONDENTS.

O R D E R
(31.12.2025)

The following order of the Bench was delivered by Dr. Monika Malik, Member.

This appeal by the complainant/appellant (hereinafter referred to as 'complainant') is directed against the order dated 8.2.2016 passed by the District Consumer Disputes Redressal Commission, Gwalior (for short 'District Commission'), in complaint case No. 187/2014, whereby the District Commission has dismissed the complaint filed by him.

2. The facts of the case in brief are that the complainant observed chest pain on 17-18 June, 2013. He visited opposite parties on 19.6.2013, upon which he was advised angiography. On 19.6.2013 angiography was done through femoral artery. After few hours the complainant observed pain and swelling in his thigh, which developed into infected hematoma. The complainant was discharged on 27.6.2013 but his condition was not good. He was thereafter admitted in Medanta Hospital, where Rs.4,03,305/- were spent in his treatment. The complainant alleged that the opposite parties did not perform angiography in proper manner, which led to development of hematoma, due to which surgery of coronary bypass got delayed. Therefore, alleging deficiency in service against the opposite parties, he filed complaint before the District Commission.

3. The opposite parties resisted the complaint and submitted that the complainant was admitted in their hospital on 19.6.2013 with complaints of chest pain since last 10 years. Angiography was advised in order to see the extent of blockage. After angiography, it was observed that there was blockage in all three arteries of complainant's heart. He was, therefore, advised (Coronary Artery Bypass Graft) CABG. The complainant, however, did not give any confirmation, therefore, CABG could not be done and the complainant was discharged from their hospital. Therefore, prayer for dismissal of complaint was made.

4. Heard. Perused the record.

5. Learned counsel for the complainant argued that the District Commission ignored the submissions of the complainant and gave no findings with regard to development of hematoma, on account of angiography performed in negligent manner. Due to development of said hematoma there was delay in performing CABG in Medanta Hospital, since hematoma was to be treated first. Therefore, he prayed that the impugned order be set aside and the complainant be granted relief as has been sought in the complaint filed by him.

6. Undoubtedly angiography was performed by the opposite parties and as per angiography report there was blockage in all three arteries of his heart. After discussion he was advised CABG. The complainant however, alleged that angiography performed by the opposite parties was not done in proper manner, due to which he developed hematoma in his leg. Learned counsel for complainant specifically argued and stated that the appeal has been filed on the ground that the District Commission has completely ignored this fact that due to improper procedure of angiography hematoma developed in complainant's leg. This issue was not at-all addressed by the District Commission. Therefore, when the complainant was admitted in Medanta Hospital, his hematoma was treated first and thereafter CABG was performed. Due to treatment hematoma the procedure of CABG was delayed.

7. We observe that hematoma is known complication of angiography and development of hematoma cannot be interpreted as negligence on part of the opposite parties. Also after angiography it was observed by the opposite parties that CABG is required to be done. It is not established that angiography was done by the opposite parties in improper

manner. The complainant was discharged on request. There appears to be no negligence on part of the opposite parties in the matter.

8. Considering the facts and circumstances of the matter, the District Commission has rightly reached a conclusion that the complainant has not been able to establish deficiency in service on part of the opposite parties. The District Commission has thus rightly dismissed the complaint.

9. We do not find any illegality or infirmity in the impugned order, which is hereby affirmed.

10. As a result, the appeal filed by the complainant deserves to be and is hereby dismissed, with no order as to costs.

**(JUSTICE SUNITA YADAV)
PRESIDENT**

Mercy

**(DR. MONIKA MALIK)
MEMBER**