

**IN THE DELHI STATE CONSUMER DISPUTES REDRESSAL  
COMMISSION**

**Date of Institution: 15.03.2024**

**Date of Hearing: 30.05.2025**

**Date of Decision: 01.07.2025**

**FIRST APPEAL NO.- 195/2024**

**IN THE MATTER OF**

**LAL BAHADUR PANDEY ADVOCATE  
S/O SH. R.K. PANDEY  
R/O C-1/763, STREET NO.27, HARSH VIHAR,  
DELHI-110093**

**...Appellant in person**

**Versus**

**1. M/S JEEVAN JYOTI CLINIC AND HOSPITAL  
THROUGH ITS MEDICAL  
SUPERINTENDENT/PROPRIETOR/HEAD  
DR. RAJEEV LOCHAN, G.T.B. CHOWK,  
DILSHAD GARDEN,  
DELHI-110095**

**(Through Mr. Vaibhav Agnihotri, Advocate)**

**2. M/S UNITED INDIA INSURANCE COMPANY LTD.  
MO OFFICE-44/2, CHURCH ROAD, BHOGAL,  
NEAR LAJPAT NAGAR, DELHI-110014  
PRESENTLY AT: 8<sup>TH</sup> FLOOR, KANCHANJANGA BUILDING  
CONNAUGHT PLACE, NEW DELHI -110001.**

**(Through Mr. G.D. Sharma, Advocate)**

**.....Respondents**

**CORAM:****HON'BLE JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)****HON'BLE MS. PINKI, MEMBER (JUDICIAL)**

Present: Appellant in person (Mobile: 9810680661)  
Mr. Harshit Kiran, Counsel for the Respondent No. 1  
(Enrl. No. D/12583/2022, Mobile: 011-46572411, Email:  
[admin@skvassociates.com](mailto:admin@skvassociates.com))  
None for the Respondent No. 2

**PER: HON'BLE JUSTICE SANGITA DHINGRA SEHGAL,**  
**PRESIDENT**

**JUDGMENT**

1. The facts of the case as per the District Commission record are as under:

*"1. The case of the Complainant as revealed from the record is that on 08.02.2017, Complainant was suffering from pain in his right arm as well as right side of neck and in an emergency Complainant visited the Opposite Party hospital and Complainant was admitted in the private room of Opposite Party hospital at about 07:45 p.m. After that Dr. Rajiv Lochan along with his son who is doctor deliberately told the Complainant that the process of treatment and several check-ups with intent to collect the money by taking unnecessary steps. It is his case that the Opposite Party applied and gave him several high potency medicines daily and Complainant became unable to take even a loaf of bread in the name of eating and drinking. Complainant spent more than Rs. 1,17,182/- approx in the treatment. It is his case that he began to suffer from deterioration of his health on account of several other defects of his organs. Complainant stated that when Opposite Party noticed that the Complainant was about to die then Opposite Party discharged the Complainant on 16.02.2017. After that Opposite Party drove away the Complainant by referring the matter to Govind Ballabh Pant Hospital, New Delhi, however, the medical problem was not related to the Govind Ballabh Pant*

*Hospital. The said Govind Ballabh Pant Hospital refused to give treatment to the Complainant. The Complainant was taken to Guru Teg Bahadur Hospital on the same day i.e. on 16.02.2017 and he remained admitted here till 22.02.2017. The case of the Complainant is that the Opposite Party hospital with mala fide, intentionally and deliberately kept on misusing the sanctity and pious medical profession only with intension to extort the money from the Complainant and thereby there was a deficiency in providing the proper and appropriate service. Complainant has prayed for Rs. 1,17,182/-i.e. expenditure incurred during the admission in the hospital of Opposite Party. Complainant also prayed for Rs. 2,00,000/-on account of mental harassment and Rs. 10,000/- on account of litigation expenses.*

*Case of the Opposite Party No. 1*

*2. The Opposite Party No. 1 contested the case and filed its written statement. It is stated that the complaint filed by the Complainant is false and the same has been filed only to extort the money from the Opposite Party. It is stated that there was no medical negligence or deficiency in service. It is admitted that the Complainant was admitted in its hospital on 08.02.2017 with the complaint of high grade fever for the last 20 days, pain in the right arm and right side of neck etc. At the time of admission, the Complainant was diagnosed with PUO. On account of fever for the last 20 days the Complainant was initially put on empirical antibiotic therapy. Only the tests which were necessary to ascertain the cause of fever and to access the functioning of the vital organs were got conducted. There was problem in the liver of the Complainant and his chest x-ray showed the chest infection. The CECT report dated 09.02.2017 suggested pulmonary TB. On 16.02.2017, the Complainant requested to be transferred and on his request he was referred to Govind Ballabh Pant Hospital on the same day. The allegations in the complaint have been denied and it is prayed that complaint may be dismissed.*

*Case of the Opposite Party No. 2*

*The Opposite Party No. 2 contested the case and filed its written statement. It is stated that the Complainant has not prayed for any relief against it. it is stated that the alleged negligence of Opposite Party No. 1 is not covered the insurance policy and thus the Opposite Party No. 2 has nothing to do with the negligence, if any, committed by Opposite Party No. 1. It is prayed that the complaint may be dismissed.*

*Rejoinder to the written statement of Opposite Parties*

*4. The Complainant filed separate rejoinders to the written statements of Opposite Parties wherein the Complainant Has denied the pleas raised by the Opposite Parties and has reiterated the assertions made in the complaint.*

*Evidence of the Complainant*

*5. The Complainant in support of his complaint filed his evidence by way of affidavit wherein he has supported the averments made in the complaint*

*Evidence of the Opposite Party No. 1*

*6. in order to prove its case, Opposite Party No. 1 has filed affidavit of Dr. Rajiv Lochan, wherein the averments made in the written statement of Opposite Party No. 1 have been supported.*

*Evidence of the Opposite Party No. 2*

*7. In order to prove its case, Opposite Party No. 2 has filed affidavit of Sh. Jitender Singh, wherein the averments made in the written statement of Opposite Party No. 2 have been supported.”*

2. The District Commission after taking into consideration the material available on record passed the following order dated **08.02.2024** :

*“Arguments & Conclusion*

*8. We have heard the Complainant in person and Ld. Counsel for the Opposite Parties. We have also perused the file and the written arguments filed by the parties. The case of the Complainant is that on 08.02.2017, he was admitted in the hospital of Opposite Party No. 1 as he was suffering from pain in his right arm as well as in the right side of his neck. It is his case that the Opposite Party No. 1 and its doctors started giving him treatment which was not required for his illness. His case is that the treatment was prolonged in order to extract money from him. It is his case that some medical tests which was not required were also got conducted and he was administered high potency dosages of medicines. On 16.02.2017, his condition was deteriorated and he was referred to Govind Ballabh Pant Hospital where he was not admitted and on the same day he got himself admitted in Guru Teg Bahadur hospital, It is his case that there was negligence in treatment and also deficiency of service on the part of the doctors of Opposite Party No. 1. It is his case that an unnecessary Expenditure of more than Rs. 1,17,182/- had to be incurred by him due to the negligence of the doctors of Opposite Party No. 1. On the other hand, the case of the Opposite Party No. 1 is that the Complainant was suffering from fever from the last 20 days and only the medical tests which were required to ascertain the cause of illness were got conducted. It is the case of Opposite Party No. 1 that the Complainant was diagnosed for pulmonary TB and some problem in liver as well.*

*9. The Complainant has also filed discharge summary of Guru Teg Bahadur Hospital. As per the said discharge summary, the Complainant was diagnosed for Liver Abscess and Pulmonary*

*Tuberculosis. The same was diagnosed by the doctors of Opposite Party No. 1. The Complainant has not led any evidence to show that the medical tests which was not required were also got conducted by Opposite Party No. 1. The Complainant has not led any evidence to show that the treatment given by the doctors of Opposite Party No. 1 was not proper. The Complainant has not led any evidence to show that there was medical negligence or deficiency of service on the part of Opposite Party No. 1. Therefore, we do not see any merit in the complaint and the same is dismissed*

3. Aggrieved by the aforesaid impugned order of the District Commission, the Appellant has preferred the present appeal on the following grounds:

*“A. Because the impugned order dated 08.02.2024 passed by the Ld. District Forum is against law and the facts of the case as well as material on record.*

*B. Because the Ld. District Forum failed to appreciate that the prima facie deficiency in exercising professional activity on the behalf of the respondent no.1 was on record as the respondent no.1 had left the remarks in column 'condition at the time of discharge' in his discharge summary while the discharge summary prepared by concerned doctor's of Guru Teg Bahadur Hospital mentioned above had mentioned as satisfactory in the column of condition at the time of discharge in their discharge summary.*

*C. Because the Ld. District Forum failed to appreciate that as per record available before His Excellency the counting of TLC 10.02.2017, 18960 22660 on was 19470 on 12.02.2024, 22790 on on 14.02.2017, 15.02.2017 & 19220 on 16.02.2017 i.e. on the date on which the respondent no.1 cleverly, very intentionally mala-fide, and deliberately discharged the complainant/appellant from his hospital.*

*D. Because the complainant/appellant had been constrained to face several hardship since very beginning of the proceedings before the Ld. District Forum as he had to file submissions/clarifications before His Excellency for the*

*requirements of the specific allegations while the same were already on record and so on.*

*E. Because the Ld. Lower Court at the time of oral agreement verbally put such questions/quarries before the complainant/appellant that there is no any doctors opinion regarding the deficiency service on behalf of the respondent no.1 and in this regard the appellant/complainant explained in detail that despite several treatments by applying heavy dosages by the respondent no.1 the condition of the complainant/appellant went on in a worst condition and he did not keep silent but he was anyhow admitted in Govt. Hospital i.e. Guru Teg Bahadur Hospital i.e. a Delhi-110093 competent and responsible hospital directly being run by the Govt. concerned and applying only most over their by a required medicines he was recovered and that is a prima facie proof that whatever treatment and over dosages had been provided/given by the respondent no.1 was misused the medical practice as well as deficiency in service and as such where there the satisfactory response on behalf of the concerned doctors of the above said hospital i.e. Guru Teg Bahadur Hospital was available before the Ld. District Forum no any other doctor's opinion etc. was support additionally required in of appreciation the kind verbal made by the His Excellency*

*F. Because the Ld. District Forum failed to appreciate that as per the checkup report by the Guru Teg Bahadur Hospital on the point of Tuberculosis it was remarked as negative just few months before the treatment of respondent no.1 and during the process of giving such huge dose by him to the complainant/appellant, the complainant/ appellant was not able to drink and eat anything and fell in such a circumstance that he began to suffer also from tuberculosis and as per the record Hon'ble Before the Ld. District Forum, the complainant/appellant constrained to face a serious treatment for a period of six months to recover from the same.*

*G. That it is also a grievance with the complainant/appellant that even on the envelop through his the impugned order has been sent by the Ld. District Forum, it is printed that "Jago Grahak Jago" and in case the complainant/appellant approached His Excellency as a competent forum for redressal of the grievance complainant/appellant, order wrongly provided to him. passed of the the impugned has been*

*H. That the above said impugned order has resulted into a grave miscarriage of justice”*

4. The Respondent No.1 & 2 have filed the reply to the present appeal and have denied the submissions of the Appellant therein. It is submitted that no the onus to prove negligence rests with the Appellant. It is further submitted that the Respondents followed the standard medical protocol and no negligence can be carved out on the part of the Respondents whatsoever in view of the treatment record. Pressing the aforesaid submissions, the Respondents have prayed that the present appeal be dismissed with heavy costs.
5. The Parties have filed their brief written arguments further emphasizing their contentions.
6. We have perused the material available on record and heard the counsel for the Appellant.
7. The ***only issue*** that falls for our consideration is ***whether the District Commission erred in dismissing the Complaint and whether the Respondent is liable for medical negligence.***
8. A perusal of the aforesaid grounds of appeal makes it clear that the Appellant has merely made vague allegations which do not disclose any detail as regards to the grievance of the Appellant against the treatment provided. It is to be noted further that the Appellant has failed to carve out any grounds for alleging negligence on the part of the Respondents and has merely made bald averments that the treatment was prolonged and he was administered heavy dosage of medicines. A perusal of the contents of the appeal reflects that there



is not even a slightest whisper as to administration of which medicines and what treatment carves out a ground for medical negligence. Furthermore, the Appellant has not placed on record any cogent material or expert evidence to show negligence on the part of the Respondents. Even otherwise, there is nothing in favour of the Appellant. Accordingly, in view of the aforesaid discussion, we are constrained to dismiss the present Appeal, with no order as to costs.

9. Application(s) pending, if any, stand disposed of in terms of the aforesaid judgment.
10. The Judgment be uploaded forthwith on the website of the Commission for the perusal of the parties.
11. File be consigned to record room along with a copy of this Judgment.

**(JUSTICE SANGITA DHINGRA SEHGAL)**  
**PRESIDENT**

**(PINKI)**  
**MEMBER (JUDICIAL)**

**Pronounced On:**  
**01.07.2025**

**L.R.-G.P.K**