

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL  
COMMISSION, FEROZEPUR.**

C.C. No. 184 of 2019

Date of Institution: 14.03.2019

Date of Decision: 6.09.2021

Mandeep Kaur wife of Gurwinder Singh, aged 30 years, resident of Village Padhri, Sarhali, Tehsil Zira, District Ferozepur Aadhar No.655479966815.

..... Complainant

Versus

1. Kalra Hospital, Amritsar Road, Opposite Dana Mandi, Makhu, Tehsil Zira, District Ferozepur through its authorized signatory.
2. Dr. Upasna, Kalra Hospital, Amritsar Road, Opposite Dana Mandi, Makhu, Teshil Zira, District Ferozepur.
3. Dr. V.S. Juneja, Medicare Hospital, and Preet Scan Centre Amritsar Road, Opposite Truck Union, Makhu, Tehsil Zira, District Ferozepur.
4. Dr. Sanjay Dogra, Medilink Diagnostics, Amritsar Road, Near Main Chowk, Zira, District Ferozepur.

..... Opposite parties

Complaint under Section 12 of the  
Consumer Protection Act, 1986.

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C.C.No.184 of 2019

//2//

**PRESENT**

For the complainant : Ms.Lalita Advocate  
For opposite party Nos.1 & 2 : Sh A.K.Gupta Advocate  
For opposite party Nos. 3 & 4 : Sh V.D.Madhar Advocate

**QUORUM**

Sh. Amardeep Singh Shergill, President.

Smt. Sukhwinder Kaur Member,

**ORDER**

**AMARDEEP SINGH SHERGILL PRESIDENT:-**

Brief facts of the complaint are that in the month of January 2018, complainant was pregnant, she started her treatment from the hospital of opposite party Nos.1 & 2. She took report of ultrasound from Preet Scan Centre Amritsar Road, Makhu on their advice in which a single live foetus of 13 weeks 6 days + 12 SGM was found and date of delivery was 23.7.2018+15. When on 12.3.2018, complainant got ultrasound status of baby from Medilink Amritsar Road, Zira, it was found that 20 weeks 2 days live pregnancy . There is difference of only one week between two reports. On 4.5.2018, complainant again took ultrasound report from Preet Scan Centre on the advice of opposite party Nos.1 & 2, which shows life foetus of 28 weeks 3 days + 12 SGM. On 12.7.2018, the opposite party Nos. 1 & 2 admitted complainant in their hospital at about 12:25 Noon and Dr Upasna with help of Satnam Singh started treatment of complainant for delivery of child. They gave some medicine to complainant, but at about 5 PM

on 12.7.2018 complainant has suffered heavy pains and her uterus ruptured and her child was dead in her uterus. Dr. Upasna gave wrong medicine and due to wrong treatment of complainant, her uterus was ruptured and her child was dead in uterus. Therefore, the complainant suffered a heavy loss, physically and mentally pain. The opposite party Nos.1 & 2 knew about the fact that the complainant gave birth to her first male child in their hospital by surgery. It has been pleaded that when uterus of complainant ruptured and her child was dead due to negligence of opposite parties, then they removed uterus of complainant with surgery which they are not qualified to do so. As per ultrasound report of Dr. V.S.Juneja dated 15.8.2018, opposite party Nos. 1 & 2 left a RTTO Mass which was given clear in CT Scan conducted by Dr. Sanjeev Dogra, MD Radio-diagnosis 98150-20046 in his report dated 16.8.2018. Ultrasound reports were given by Dr. V.S.Juneja MBBS, HCMS Ex. Sonologist Regd. No.24094 for which he was not qualified. Only Radiologist doctor can give report. He gave unauthorized report and charged heavy amount from complainant. The complainant served a legal notice dated 20.10.2018 upon the opposite parties, but all in vain. The act and conduct of the opposite parties amounts to deficiency in service and unfair trade practice, hence this complaint for a direction to the opposite parties to pay compensation of Rs.20 lac to the complainant for removing uterus of complainant in a negligence manner.

2. Opposite party Nos.1 & 2 were proceeded against exparte.

3. Upon notice, opposite party Nos. 3 & 4 have appeared and filed their joint written reply to the complaint raising certain preliminary objections inter alia that the present complaint in the present form is not maintainable ; that the complaint is bad for non joinder of necessary parties. Mere conducting an ultrasound and any other test by the opposite parties as per the prescription of the doctor, does not amount any deficiency in service and unfair trade practice and the complainant does not fall under the definition of Consumer Protection Act qua the opposite parties; that the complainant has not come to this Commission with clean hands; that no cause of action has arisen to the complainant against the opposite parties; there intricate and complicated questions of law and facts are involved in the present complaint. On merits, the preliminary objections have been reiterated and the other allegations of the complaint have been denied.

4. Opposite party Nos.1 & 2 have allowed to join the proceedings vide order dated 12.12.2019.

5. In evidence the complainant tendered into evidence C-1 to Ex.C-23 and closed the evidence. On the other hand, the opposite party Nos.1 & 2 have tendered into evidence Ex.OP1 & 2/1 to Ex.OP1 & 2/2 and closed the evidence. The learned counsel for opposite party Nos.3 & 4 have also closed evidence after tendering into evidence Ex.OP3/1 to ExOP3/4 and Ex.OP4/1 to Ex.OP4/4.

6. We have heard the learned counsel for the parties and have also carefully gone through the record.

7. The contention of the complainant is that she had suffered heavy pains and her uterus ruptured as the result her child was dead in her uterus due to wrong prescription of medicine by the opposite party Dr Upasna. Due to negligence of the opposite party she had to remove uterus and suffered a heavy loss physically and mentally. Opposite party denied the contention of the complainant that there is no any negligence on the part of the opposite parties. Opposite party placed Ex.A-18 statement of the husband of the complainant , Ex.A-19 to Ex.A-21 Clinical summary followed by the opposite parties. Complainant did not led any evidence to prove that the uterus of the complainant was ruptured by giving wrong medicines by the opposite parties. Moreover, there is no any expert view placed on file, which prove the negligence of the opposite parties during follow the medical procedure as per medical science.

8. Foregoing discussion, there is no negligence on the part of the opposite parties while giving treatment, hence the complaint fails and the same is hereby dismissed.

9. The complaint could not be decided within the statutory period due to Covid-19 and incomplete of quorum. A copy of this order be communicated to

C.C.No.184 of 2019

//6//

the parties concerned free of costs. File be consigned to the record room.

Announced  
06.09.2021

(Amardeep Singh Shergill)  
President

(Sukhwinder Kaur)  
Member