

**IN THE CONSUMER DISPUTES REDRESSAL FORUM
KANNUR**

**Complaint Case No. CC/396/2011
(Date of Filing : 31 Dec 2011)**

1. Pradeep G Nair
Sree Vilas, PO Alkkode,
Kannur
Kerala

.....Complainant(s)

Versus

1. The Administrator, Koyili Hospital
PO Pallikkunnu, 670004
Kannur
Kerala
2. De. Nandakumar,
Department of Neonatology, Koyili Hospital, PO
Pallikkunnu,
Kannur
Kerala

3. M. Prasanna, D/o Raman Nair,
Mutharath House, Near Rama Vilasam L. P. School,
Manna, Valapattanam Post
Kannur -670010
Kerala

.....Opp.Party(s)

BEFORE:

**HON'BLE MRS. RAVI SUSHA PRESIDENT
HON'BLE MRS. Moly Kutty Mathew MEMBER
HON'BLE MR. Sajeesh. K.P MEMBER**

PRESENT:

Dated : 15 Feb 2021

Final Order / Judgement

SMT. RAVI SUSHA : PRESIDENT

Complainant filed this complaint under Sec.12 of the Consumer Protection Act 1986 seeking to pass an order directing the Ops to pay sum of Rs.20,00,000/-as compensation to the complainant with cost of the proceedings.

Briefly stated, the case of the complainant is that on 19/8/2011 his wife Beena gave birth to a baby from Lourde Hospital, Thaliparamba, since the delivery was premature in nature, the doctor advised the complainant to admit the baby to a Neonatal Intensive care Unit as such the baby was taken to NICU of Koyili hospital Kannur under the treatment of 2nd OP. From 19/2/2011 the baby was in the NICU upto 26/8/2011 and shifted to the ward on that day for further management and the Ops informed the complainant that the health of the baby was clinically stable and on that basis the baby was shifted to the room from the NICU. Thereafter the health condition of the baby was improved and the 2nd Op informed complainant that within 2 days the baby can be discharged. On 29/8/2011 in the morning at about 9.30, the 3rd OP came in the room and removed the plaster which was stuck on the cannula of the right hand of the baby. After removing the plaster the baby was crying loudly and the bystanders noticed bleeding from the right hand of the baby and the same was brought into the notice of 3rd OP, 3rd OP informed to them that it was due to a small cut in the nail of the baby and there was nothing to worry, but the baby continued crying. But no doctors were turned up to examine the baby, after getting information the complainant rushed into the hospital and contacted with the management, finally at 10.30 a.m the 2nd OP came there and examined the baby. At that time only, it was noticed and revealed that two bony segments of the index finger of the right hand of the baby were chopped off while removing the plasters by the 3rd OP and its bony parts were projected outwards. The sliced part of the finger was missing and the same was recovered from the plaster which was put by 3rd OP earlier. Even though the condition of the baby was very serious, OP2 has not taken the matter seriously so as to get the baby to higher management. It is only after making pressure from the side of the complainant, 2nd OP contacted Dr.Bhat, the paediatric surgeon of Askoa hospital Kannur. As per the direction complainant had to take the baby to Asoka Hospital and from there to Dhanalakshmi Hospital Kannur and both doctors of that hospitals ruled out the possibility of surgery. Complainant submitted that at about 12.15 p.m the complainant returned with the baby to the OP hospital. Then the 2nd OP suggested the possibility of micro vascular surgery and the baby was taken to Baby Memorial Hospital Kozhikode. The plastic and Micro vascular surgeon of Baby Memorial Hospital Kozhikode examined the baby and blamed the complainant for the delay caused to bring the baby to the hospital. Immediately they conducted the said surgery the doctors turned down the chances of regeneration as the bone itself was sliced off. At a time of discharge (13/9/2011) the Plastic and Micro vascular surgeon Dr.K.S.Krishna Kumar ruled out the possibility of re plantation of phalanx of right index finger of the baby and the same was recorded by the doctor in the discharge summary. There is no improvement after surgery also and at present the bone of the right index finger of the baby is in a projected condition and the same was caused much inconvenience and trouble for the baby's day to day affairs. The complainant submits that the negligent and irresponsible act of the 3rd OP and subsequent irresponsible and deficient act of 2nd OP the future of the baby is in darkness. The 3rd OP without taking due care and caution cut and removed the right index finger of the baby which is a vital part of body and 2nd Op causes much delay in giving proper management and advice to the complainant which ultimately resulted in the loss of finger of the baby. Moreover the 3rd OP hid the fact of amputation of the finger of the baby from the relatives and thereby caused the lapse of one hour which was very precious for further management and subsequently 2nd OP wasted time upto 12.30 p.m without giving proper instruction and guidance to the relatives which ultimately amounts to gross deficiency in service. The complainant therefore sought compensation of Rs.20 lakh from the Ops 1 to 3 and also sought cost for the proceedings.

The contesting Ops 1 to 3 resisted the complaint. They denied that there was negligence on their part. Ops 1&2 filed version separately. But the contentions are more or less similar in nature. 3rd OP filed separate version having different contentions.

Ops 1&2 admitted that the complainant's wife Beena gave birth to a premature asphyxiated baby at the gestation age of 32-33 weeks at Lourd Hospital and was brought to the 1st OP hospital as a referred case because of respiratory distress. The baby was admitted and treated in the NICU and on the 7th day the baby was shifted to Mother's side. 2nd OP advised to discharge on 29/8/2011. On 29/8/2011 at about 9.35 a.m the 2nd OP got a call from the 3rd OP regarding an accidental injury caused to the complainant's baby. The 2nd OP immediately rushed to the baby's room, enquired about and found that an accidental cut injury was caused to the distal most part of right index finger of the baby while removing IV cannula and that only skin was cut. Then 2nd OP explained the seriousness of the injury and need for reference to a pediatric surgeon to the complainant. Further immediately contacted the pediatric surgeon Dr.S.M.Bhat in Asoka hospital for an emergent surgical consultation and 2nd OP referred the baby to Pediatric surgeon Dr.S.M.Bhat at 9.45 a.m itself. Thus 2nd OP had performed his duties with sincerity and carefully by referring the baby to pediatric surgeon without causing any delay from his part. According to 2nd OP there was no negligence or deficiency in service on his side. The baby was treated in the 1st Op hospital as per the accepted medical practice and the 2nd OP had exercised all reasonable degree of skill and care in the treatment of the complainant's baby.

Ops 1&2 denied all other allegations of the complainant that no doctors were turned upto 10.30 a.m to examine baby and thus elapsed precious time of one hour and the Ops had not taken the matter seriously to shift the baby to higher centre. Further, only after mounting pressure from the side of the complainant and his family, 2nd OP contacted Dr.Bhat. 2nd OP further denied the allegation that after consulting Dr.Bhat and Dr.Santh Kumar, the complainant brought back the baby to OP's hospital and 2nd OP suggested possibility of micro-vascular surgery. According to 2nd OP it is a cooked up story with a sole intention to make 2nd OP liable for the alleged inordinate delay of 3 hours. 2nd OP contended that he had attended the baby immediately on getting call from the duty nurse and timely informed the bystanders about the needing for shifting to higher centre and referred to pediatric surgery without causing any delay on his part and prays for the dismissal of the complaint.

3rd Op filed version denied the entire allegations of the complainant. According to 3rd OP she does not know whether 1st OP is the owner and administrator and 2nd Op is the Doctor in charge of the unit even about the admission of the baby of the complainant in NICU of 1st OP hospital upto 26/8/2011 and was under treatment of 2nd Op doctor. 3rd OP totally denied the incident that she came to the room of the baby in 1st OP hospital and removed the plasters which was stuck on the cannula of the right hand of the baby. According to 3rd OP she is only a nursing assistant and not a staff nurse. She claimed that she has service of 32 years in this field and she is well aware of her duties and medical and hospital regulations. 3rd OP submitted that one Greshma was staff nurse of the said ward on the alleged date of incident. 3rd OP alleged that the projection of 3rd OP as a staff nurse and the responsibility shifting upon her itself shows a combined effort from the management, complainant and other staff, for

willfully trapping the 3rd OP. 3rd OP denied all the allegations of the complainant and prays for the dismissal of the complaint against her.

In support of allegation, the complainant has tendered his affidavit and Exts.A1 to A12, Discharge summary issued from 1st OP hospital Et.A1, discharge summary from the Baby Memorial hospital dtd.12/9/2011 Ext.A2, Discharge summary from Baby memorial hospital dtd.13/9/2011 Ext.A3, Lawyer notice Ext.A4, Postal receipts(3 in Nos.) Ext.A5 series, Acknowledgment card 2 in Nos. Ext.A6 series, Reply notice 2nd Op Ext.A7. Ext.A8 is returned lawyer notice of 3rd OP, Ext.A9 is copy of FIR, FIS is Ext.A10, Ext.A11 is charge sheet and Ext.A12 series are medical bills(25 in Nos.)

In support of the contentions, 2nd OP has filed his affidavit and Ext.B1 case sheet of Koyili hospital pertaining to B/O Beena. Complainant was examined as PW1 and was made cross examined for Ops 2&3. 2nd Op was examined as DW1 and was made cross examined for the complainant. 3rd OP did not adduce any oral or documentary evidence.

The learned counsels appearing for the complainant and Ops have not filed written argument notes. Learned counsels for the complainant and Ops 1&2 placed oral arguments before us.

We have perused the complaint, versions filed by Ops, evidence and documents brought on the record and also considered the oral arguments submitted by the learned counsel s.

The points to be considered in this case are

1. Whether there is deficiency in service or negligence on the part of any of the Ops?
2. If so relief and cost.

Point No.1 : During the course of arguments the learned counsel for the complainant submitted that due to the negligent and irresponsible act of the 3rd Op staff nurse of the concerned ward and subsequent irresponsible and deficient act of 2nd Op treating doctor resulted the loss of right index finger of the baby. Complainant alleged that 3rd OP without taking due care and caution cut and removed the right index finger of the baby and 2nd OP causes much delay in giving proper management and advice to the complainant. According to complainant the incident happened on 9.30 a.m on 29/8/2011, 2nd OP came there and examined the baby at only 10.30 a.m and subsequently upto 12.30 p.m 2nd OP did not give proper instruction and guidance to the complainant or relatives.

On the other hand learned counsel of 2nd OP submitted that 2nd OP while attending babies in NICU around 9.35 a.m on 29/8/2011 got a phone call from 3rd OP regarding an accidental injury caused to the baby. 2nd OP immediately rushed to the baby's room, enquired about and found that an accidental cut injury was caused to the distal most part of right index finger of the baby while removing IV cannula and that only skin was cut. Then 2nd OP explained the seriousness of the injury and need for reference to a pediatric surgeon to the complainant. Further immediately contacted the pediatric surgeon Dr.S.M.Bhat in Asoka hospital for an emergent surgical consultation and 2nd OP referred the baby to Pediatric surgeon Dr.S.M.Bhat at 9.45 a.m itself. Thus 2nd OP had performed his duties with sincerely and carefully by referring the baby to

pediatric surgeon without causing any delay from his part. According to 2nd OP there was no negligence or deficiency in service on his side.

Here 2nd Op admitted the admission of the baby in NICU and also on 29/8/2011 at 9.30 a.m the incident happened.

3rd OP had taken a different contentions. 3rd OP denied the entire allegations of the complainant. She contended that she is not aware the baby was in NICU of 1st OP hospital, 1st OP is the owner and administrator, and 2nd OP is the doctor in charge of the unit. 3rd OP submitted that she is the nursing assistant and not the staff nurse of 1st OP hospital. She has totally denied the alleged incident. According to 3rd OP one Greeshma was staff nurse of the said ward on the alleged date of incident she was on duty on that date and so 3rd OP is not aware of the baby's injury. 3rd OP's version is that the allegation against her is a combined effort from the management, complainant and other staff for willfully trapping her.

Firstly we have to see whether the baby was admitted in the NICU of 1st OP hospital and the alleged incident occurred to the baby on 29/8/2011. 1st Op hospital and 2nd OP doctor admitted that he baby was a premature one and admitted in NICU of 1st OP hospital on 19/8/2011 and on the 29/8/2011 the alleged incident occurred. Ext.B1 case sheet itself shows that B/o Beena was admitted in NICU of 1st OP hospital on 19/8/2011 and treated by 2nd OP doctor Dr.Nandakumar. page 42 of Ext.B1 shows that the baby was shifted from NICU to mother's room on 25/8/2011. Page 22 reads on 29/8/2011 at 9.45 a.m staff nurse accidentally cut distal end of right index finger while removing cannula. Ext.A1 also shows the same fact. Thus from Ext.A1 and Ext.B1 it is proved undoubtedly that the baby of the complainant was admitted in NICU of 1st OP hospital on 19/8/2011 and Dr. Nandakumar(2nd OP) was the Pediatrician who treated the baby. Further on 25/8/2011, the baby was shifted from NICU to mother's room and on 29/8/2011 at 9.45 a.m the alleged injury occurred. Ext.B1 further says that accident was happened from the side of staff nurse while removing cannula from the right index finger of the baby.

Complainant alleged that the staff nurse in that unit was OP.3 Prasanna. Further 2nd OP doctor who was in charge of that unit and 1st OP hospital also contended that at 9.35 A.M 2nd OP got a call from the 3rd OP regarding the accidental injury caused to the baby. But 3rd OP totally denied the incident.

It is pertinent to be noted that in page 32 of Ext.B1 "nurses notes" it is clearly specified that on 29/8/2011 staff nurse (Sr.Prasanna) accidentally cut baby's Rt index finger while removing cannula. Shifted the baby to higher centre Dr.S.M.Bhat (Pediatric surgen). From Ext.B1 nurses notes and from contentions of Ops 1&2, the version of 3rd OP can be rebutted. OP.3 failed to substantiate that she was a nursing assistant of the 1st OP hospital and not a staff nurse and further she was not attended the baby on 29/8/2011. According to 3rd OP one Greeshma the staff nurse was on duty. On the testimony of PW1(cross-examination made for 3rd OP) we can see that PW1 categorically deposed that kw`hka b~v duty bnÂ D-mbncp¶Xv greeshma F¶ nurse BsW¶v jdbp¶Xv icnbÂ OP.No.3 Xs¶bmWv D-mbncp¶Xv. kw`hka b~v tUmIvSdpsSIpsS OP.No.3sb I-XpsIm-mWv A§s\ OP.No.3 BWv D-mbncp¶Xv F¶p jdbp¶Xv.

3rd OP has not adduced her own evidence and not argued the matter before the commission. Mere filing of version having contentions "denied the allegations in the complaint itself" is not sufficient. 3rd OP has a duty to prove her contentions. From Ext.B1 nurses notes and from contentions of Ops 1&2 the version of 3rd OP can be rebutted.

From the above said evidence we are of the strong view that 3rd OP Sr.Prasanna was the staff nurse who cut the baby's Rt index finger while removing cannula.

Complainant's allegation against 3rd OP is that after removing the plaster by 3rd OP the baby was crying loudly and the bystanders noticed bleeding from the right hand of the baby and the same was brought into the notice of 3rd OP. At that time the 3rd OP informed the relatives that the bleeding was due to a small cut in the nail of the baby and there was nothing to worry. But the baby continued crying and only when the 2nd OP came there and examined the baby it was noticed and revealed that two bony segments of the index finger of the right hand of the baby were chopped off by 3rd OP. Further alleged that a precious time of one hour elapsed without any management and attention, 3rd OP have not informed the said fact to the complainant or to the bystanders and attempted to hide said fact by plastering the sliced finger and the sliced part of the finger was thrown away with plaster and only after searching it was recovered from the plaster.

At this stage, it is to be observed that nowhere in any of the portion of the version filed by the 3rd OP, it was explained as to how the incident happened and how the index finger of the right hand of the immature baby was chopped off. It is noted in the Nurses record of Ext.B1 that duty nurse was 3rd OP. In the version she simply denied the entire allegations against her. No record was produced by 3rd OP to clarify us that she was not a duty nurse of the baby on that date. She has not even filed affidavit in support of her contentions in the version and entered into the witness box for giving evidence but remained absent after cross examined PW1 after giving cost of Rs.500/- each to the complainant and 2nd OP for the delay happened due to absence at the relevant time. The above fact of the allegation against 3rd OP was not denied by Ops 1&2. According to 3rd OP, this allegation is a combined effort from the management, complainant and other staff for willfully trapping 3rd OP. But here also 3rd OP failed to substantiate the fact that she was not a staff nurse of the 1st OP hospital and Sr.Greeshma was staff nurse of the said ward on the alleged date of incident by producing the nurses register of 1st OP hospital. Further Exts.A9 to A11 also speak that 3rd Op caused grievous hurt by act of encouraging or personal safety of the baby.

In this case since there is no rebutted evidence adduced by 3rd OP nurse, the contentions of 3rd OP is unacceptable. So we are of the view that allegations of the complainant against 3rd OP is undoubtedly proved.

Taking view of the matter we find that there is gross negligence and deficiency in service on the part of 3rd OP by negligently cut the segment of the index finger of the right hand of the baby, which was not revealed to the bystander's of the baby and attempted to hide said fact by throwing the cut segment with plaster. Also 3rd OP elapsed one hour without any management and attention.

The next question to be decided is whether there is any negligence or deficiency in service on the part of 2nd OP Dr.Nandakumar.

It is an admitted fact by complainant and 2nd OP that 2nd OP doctor was the doctor in charge of the said unit and the baby was under the treatment of the 2nd OP. It is also admitted by 2nd OP that the baby was in the Neonatal Intensive care unit from 19/8/2011 up to 26/8/2011 and shifted to the mother's room on that day and further informed to the complainant that within two days the baby can be discharged. There is no dispute between both parties further that the micro vascular surgery was conducted to the amputated finger at Baby Memorial Hospital,Kozhikode. Complainant's learned counsel argued that the occurrence happened at 9.30 a.m but 2nd OP came there and examined the baby only at 10.30 a.m within this time no doctors were turned upto examined the baby and 2nd OP came only after informing the complaint to the management by the complainant. After examining the baby, though the condition of the baby was very serious, 2nd OP has not take the matter seriously to refer the baby to higher treatment. It is only after making pressure from the side of the complainant , 2nd OP contacted Dr.Bhat , the Pediatric surgeon of Asoka hospital. According to the complainant either management of the hospital or 2nd OP has not made any attempt to bring Dr.Bhat to the room of the baby to got an opinion of further management. As per the direction, complainant had to take the baby to Asoka Hospital and from there to Dhanalakshmi Hospital Kannur and both doctor of that hospitals ruled out the possibility of surgery. Complainant submitted that at about 12.15 p.m the complainant returned with the baby to the OP hospital and then 2nd OP suggested the possibility of Micro vascular surgery and then the baby was taken to Baby Memorial Hospital Kozhikode by car. Complainant submitted that the Plastic and micro vascular surgeon at Baby Memorial Hospital after conducting the said surgery, the success of surgery was declined and ruled out the possibility of re- plantation of said finger due to delay in bringing the baby to there. Complainant alleged that there is no improvement after surgery also and at present the bone of the right index finger of the baby is in a projected condition and further the child could not able to do his affairs as that of others.

According to complainant the sole reason for facing the baby such a disability because the 2nd OP had wasted time upto 12.30 p.m without giving proper instruction and guidance to the relatives for higher treatment.

On the other hand the learned counsel of OP submitted that 2nd OP got the information from 3rd OP while attending the babies in NICU around 9.35 a.m and he reached the baby's room at that moment itself and examined the cut portion after removing dressing of the finger and explained the seriousness and need for reference to a pediatric surgeon to the complainant and immediately contacted Dr.S.M.Bhat the Pediatric surgeon for emergency surgical consultation and referred the baby to Dr.Bhat at 9.45 am itself for further management. According to 2nd OP he had performed his duties with sincerely and care reasonably expected from a medical practitioner in such a situation without any delay of time. 2nd OP denied the allegation of the complainant that he came only at 10.30 a.m and elapsed the precious time of one hour without any management attention by not taking the matter seriously to shift the baby to a higher centre. 2nd OP submitted that on that day at that particular time Dr.Bhat was engaged in an urgent surgery at Ashoka hospital and hence it was not possible for him to reach at the 1st OP hospital to attend the baby. 2nd Op further denied the submission of the complainant at 12.15 p.m complainant with

baby returned to 1st OP hospital and 2nd OP suggested the possibility of micro vascular surgery and thereafter baby was taken to Baby memorial Hospital ,Kozhikode for micro vascular surgery and thus elapsed precious 3 hours without any proper treatment. According to 2nd OP after reference to Dr.Bhat at Asoka Hospital , the complainant did not take back the baby to 1st OP hospital. 2nd OP's learned counsel submitted that 2nd OP did not cause any delay in giving proper management and advice to the complainant, hence there is no negligence on his part and thereby not liable for the rest of the event occurred to the baby.

The learned counsel of Ops further argued that Dr.Krishnakumar who treated the baby at Baby Memorial Hospital is a highly qualified doctor ie, MS,Mch(Plastic)FRCS(Ed),FRCS(Glas) FRCS(plastic). In discharge summary of Dr.Krishnakumar is marked as Ext.A2&A3(complainant's documents). In Exts.A2&A3 in both documents the complaint noted as" accidentally severed distal phalanx of right index finger" and the other condition of the baby was normal at the time of admission at BHM Hospital. According to 2nd OP counsel, Ext.A2 does not mention that bones are projected. It is further submitted that for proving the allegation of complainant about disability of the child and nature of injury ie two born segments of the index finger of the right hand of the baby were chopped off, any of the doctors who treated the baby is examined and not even produced the child before this commission for clarification of the present discomfort facing the child.

On going through the medical records brought before us ie, Ext.A1 discharge summary of 1st OP hospital, Exts.A2,A3 discharge summary of Baby memorial hospital Kozhikode and Ext.B1 case sheet of 1st OP hospital, we can see that in Ext.A1, diagnosis" Baby's distal phalanx of right index severed accidentally" Referred to Dept. of Micro vascular surgery, Baby memorial hospital for further management", time of reference is not noted. In Exts.A2&A3 complaints noted is, " accidentally severed distal phalanx of right index finger". The procedure done in BMH is Amputation distal to DIPJ. No scope for re plantation, unlikely to survive, put back as FTSG(Full thickness skin grafts) . Ext.B1 shows that the health condition of the baby at 1st OP hospital was normal. No complication occurred to the baby under the treatment of 2nd Op doctor. Complainant also having no allegation about the treatment given to the baby at NICU and at room by OP.2 . Further it is pertinent to be noted that in Ext.B1 page 22 , it can be realized that on 29/8/2011 at 9.45 a.m" staff nurse Accidentally cut distal end of (RT)index finger while removing cannula. Referred pediatric surgeon S.M.Bhat for further management". This statement was written by 2nd OP doctor. Hence from this statement we can come to a conclusion that the incident happened between 9.30 -9.45 a.m, complainant admits in the complaint that 3rd OP staff nurse elapsed one hour without any management and attention , not informed the fact to the complainant and attempted to hid said fact. There is no evidence, when 2nd OP came to the room of baby and referred to Dr.Bhat. Complainant failed to submit the reference letter of OP.2 to Dr.Bhat. In Ext.A1, we can see that 2nd OP referred the baby to Dr.Krishna Kumar at Baby Memorial hospital for further management to Dept. of Micro vascular surgery. Complainant did not produce that reference letter also before this commission for substantiating their allegation.

It is an admitted fact by the complainant that injury was sustained to the baby child from the side of 3rd OP Nurse. The only allegation against 2nd OP doctor is that 3 hours were elapsed by 2nd OP doctor by not referring the baby for better treatment. But there is no cogent evidence brought before us to prove the said negligence of 2nd OP doctor.

In the instant case, we are of the view that there was no negligent actions on the part of treating doctor(2nd OP) by causing intentional delay in reference of the baby child to higher centre. With regard to 3rd OP staff nurse, verbal statements of this OP without being supported by hospital records and nurses records are unbelievable.

On consideration of the case, we are of the opinion that 3rd OP is guilty of gross medical negligence amounting to deficiency of service. We do not find any direct evidence of negligence against 2nd OP. Since 3rd OP was an employee of 1st OP hospital, at that time, 1st hospital is vicariously liable for the negligence of 3rd OP. Hence complaint is allowed. Point No.1 is answered accordingly.

Point No.2 : For arriving the quantum of compensation, as per Ext.A12 series medical bills(25 in Nos.) the total treatment expenses incurred to the complainant is Rs.60579/-. In Ext.A3 it is noted by Dr.Krishna Kumar at BMH,Kozhikode that Amputation distal DIPJ, no scope for re plantation, unlikely to survive. But it is seen that FTSG was done. Since child was not produced before commission for understanding the present condition, we cannot assess the disability of the child. Hence compensation for the negligence on the part of 3rd OP is ordered as Rs.1,50,000/-, out of the aforesaid amount Rs.1,00,000/- shall be paid by 3rd OP Prasanna, staff nurse and Rs.50,000/- shall be paid by 1st Opposite party hospital, represented by the Administrator, Koyili Hospital Kannur to the complainant. Rs.60579/- the medical expenses and Rs.10,000/- as cost of the proceedings shared in equal proportion by opposite parties 1&3 to the complainant. The order shall be complied with within one month from the date of receipt of this order. In case of default of payment, the awarded amount shall carry 9% interest from the date of passing of this judgment.

In the result, the complaint is allowed in part with the above direction.

Exts :

A1- discharge summary from the Baby Memorial hospital dtd.12/9/2011

A2- Discharge summary from Baby memorial hospital dtd.13/9/2011

A3- Lawyer notice

A4- Postal receipts(3 in Nos.)

A5 series- Acknowledgment card 2 in Nos.

A6 series- Reply notice 2nd Op

A7&A8 is returned lawyer notice of 3rd OP,

A9 - copy of FIR,

A10- FIS

A11- charge sheet

A12 series are medical bills(25 in Nos.)

B1-case sheet of Koyili hospital Kannur

PW1-Pradeep.G.Nair- complainant

DW1- Dr.M.K.Nandakumar-witness of OP

Sd/

Sd/

Sd/

PRESIDENT

MEMBER

MEMBER

Ravi Susha

Molykutty Mathew

Sajeesh K.P

eva

/forwarded by Order/

SENIOR SUPERINTENENT

**[HON'BLE MRS. RAVI SUSHA]
PRESIDENT**

**[HON'BLE MRS. Moly Kutty Mathew]
MEMBER**

**[HON'BLE MR. Sajeesh. K.P]
MEMBER**