

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
KOLKATA-III(SOUTH)
CONSUMER COMPLAINT NO. DC/AB3/315/CC/434/2025
WITH
DC/AB3/315/IA/6/2026 (CONDONATION OF DELAY)

INDERJIT YADAV

.....Complainant(s)

Versus

DIRECTOR/SUPERINTENDENT WOODLANDS MULTISPECIALTY HOSPITAL LTD. & 2 ORS
.....Opposite Party(s)

BEFORE:

HON'BLE MR. ANANDA KUMAR TIWARI , PRESIDENT
HON'BLE MRS. ASHOKA GUHA ROY BERA , MEMBER

FOR THE COMPLAINANT:

INDERJIT YADAV

FOR THE OPPOSITE PARTY:

NEMO

DATED: 15/01/2026

ORDER

Order No.02

Dated : 15/01/2026

Today is date fixed for Admission Hearing. Also perused IA No.6 of 26 being an application for condonation of delay in filing complaint petition. Dr. Kunal Saha is present as authorised person of complainant. Perused the authorization letter. Sri Inderjeet Yadav filed this case U/s 34/35 of Consumer Protection Act alleging medical negligence, delay in timely diagnosis, treatment and dereliction of duty by the O.Ps. It is stated that Master Ishan Yadav aged about 12 years, suffering from acute abdominal pain, was admitted to the Emergency of the OP No.1, Hospital but left unattended and untreated for almost 15 hours. Perused the medical documents and heard Dr. Kunal Saha being authorized agent of the complainant.

There is delay of approximately four days in filing the complaint and accordingly we are of the opinion that the same should be condoned. Accordingly, IA No.6 of 2026 is disposed off.

In view of the materials in the complaint petition along with copies of documents submitted, we are of the opinion that there is material for admitting the complaint. Accordingly the complaint is admitted.

This being case of medical negligence, it is required that expert's opinion should also be taken for

disposing the case on merit. In the case of Martin F.D'Souza –vs- Mohd. Isfaq wherein Hon'ble Apex Court observed that – “Judges are not experts in medical science, rather they are lay men. This itself often makes it somewhat difficult for them to decide cases relating to the medical negligence”.

Accordingly, we are of the opinion that while we proceed with the hearing of the matter on merit, after allowing OP to appear in the matter and contest, in the mean time a report is also to be called from medical board, consisting of expert for the purpose of determination of the medical negligence, as alleged. Accordingly, Supdt. Of SSKM Hospital is requested to constitute a medical board for the purpose of determination of the medical negligence and to submit a report before this commission by 27.03.2026. To date for S/R Appearance and for filing written version. Complainant is directed to take step for serving notice upon the OP.

Copy of this order along with copy of complaint petition as well as the documents to be forwarded to the Supdt. Of SSKM Hospital for necessary compliance. Complainant is directed to file copy of complaint and all the documents relied upon by him before this commission within 10 days so that the same can be forwarded to the SSKM Hospital.

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ANANDA KUMAR TIWARI
PRESIDENT

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ASHOKA GUHA ROY BERA
MEMBER