

**District Consumer Disputes Redressal Forum, Patiala
Patiala**

**Complaint Case No. CC/16/494
(Date of Filing : 21 Dec 2016)**

1. Harbans Singh Gill

s/o Gurcharan singh r/o St.No.3 Shaheed Bhagat singh
Nagar Barnala

Barnala

punjab

.....Complainant(s)

Versus

1. Columbia

Asial Hospitla Bhupindra road 22 No.Phatak Patiala

patiala

punjab

2. 2. Dr.Gurpreet singh Dang

colombia Asia hospital patiala

patiala

punjab

.....Opp.Party(s)

BEFORE:

**HON'BLE MR. J. S. Bhinder PRESIDENT
Y S Matta MEMBER**

PRESENT:

Dated : 10 Feb 2021

Final Order / Judgement

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION

PATIALA.

Consumer Complaint No. 494 of 21.12.2016

Decided on: 10.2.2021

Harbans Singh Gill son of Sh.Gurcharan Singh Gill, resident of Street No.3, Shaheed Bhagat Singh Nagar, Barnala.

.....Complainant

Versus

1. Columbia Asia Hospital, Bhupindra Road, Near 22 Number Phatak, Patiala-147001, through its authorized signatory.
2. Dr.Gurpreet Singh Dang (internal Medicine), Columbia Asia Hospital, Bhupindra Road, Near 22 Number Phatak, Patiala-147001.
3. Oriental Insurance Co. Ltd., having address at 4E/14, Azad Bhawan, Jhandewalan Ext. New Delhi-110055.

.....Opposite Parties

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

QUORUM

Sh. Jasjit Singh Bhinder, President

Sh.Y.S.Matta, Member

ARGUED BY

Sh.S.P.Singh Sidhu, counsel for complainant.

Sh.H.P.S.Verma, counsel for OP No.1.

Sh.Atul Gupta, counsel for OP No.2.

Sh.B.L.Bhardwaj, counsel for OP No.3.

ORDER

JASJIT SINGH BHINDER, PRESIDENT

1. This is the complaint filed by Harbans Singh Gill (hereinafter referred to as the complainant) against Columbia Asia Hospital and others (hereinafter referred to as the OP/s).
2. Briefly the case of the complainant is that he was suffering from abdominal pain and visited OP No.1 on 8.7.2016 for getting treatment where he was treated by OP No.2 who prescribed medicines including 'ZOLPIDEM TAB 6.25 MG' and OPs charged Rs.5086/-.It is averred that after consuming the above said medicines his abdominal pain did not subside rather it came more serious and he became unconscious due to which he was taken to Daya Nand Medical College and Hospital, Ludhiana for treatment on 16.7.2016 where he remained admitted up to 21.7.2016. In the discharge summary of Daya Nand Medical college and Hospital, it is mentioned that, "Patient presented to us with sleep disturbance in form of decreased sleep for which he took Zolpidem and develop altere sensorium in form of increased drowsiness and irrelevant talks. He also complained constipation."There is thus negligence while prescribing and supplying the tablet of Zolpidem and the complainant has to spent huge amount on his treatment. Hence this complaint with the prayer to accept the same by giving direction to the OPs to pay the amount of Rs.5,00,000/-as compensation, the expenditure incurred on treatment, compensation and litigation expenses.
3. Upon notice OPs appeared through counsels and contested the complaint by filing written replies.
4. In the written reply filed by OP No.1 preliminary objections have been raised to the effect that no specific, scientific and justified allegations with regard to negligence or deficiency have been made by the complainant; that no cause of action has been arisen against OP; that the present complaint is totally false, fabricated wrong and baseless.
5. It is submitted that patient Harbans Singh Gill was a known case of alcoholic liver disease and cirrhosis and this fact was known by OP No.2 from the file of complainant which he brought alongwith him. The attendants of patient also told that the patient is not taking sound sleep, so at the end of consultation OP No.2 prescribed medicine zolpidem at a very low dose, only to be taken as per advice. The patient did not complaint about abdominal pain when he came to the OPD of OP No.1.It is further submitted that no one has mentioned that this is a case of zolpidem poisoning the patient and no doctor at anywhere has pointed out any negligence on the part of Op No.2 since everything was done diligently, prudently with utmost due care and caution. There is no negligence or deficiency in service of OP No.2.After denying all other averments made in the complaint OP No.1 prayed for the dismissal of the complaint.
6. OP No.2 has also filed the written reply on the same line as is filed by OP No.1 and the contents of the same are not repeated for the sake of brevity. This OP has also prayed for the dismissal of the complaint.
7. In the written reply filed by OP No.3, it is submitted that OP No.2 is fully qualified doctor with experience in his field of Medicine Profession and has stated that the averments made by OP No.1&2 in their written statement may be read as part of this reply. It is further submitted that OP No.2 has been issued Professional Indemnity-Doctors Policy Schedule Policy No.272200/48/2017/4204 for a sum of Rs.20lacs for the period 26.5.2016 to 25.5.2017.This OP also after denying all the averments made in the complaint has prayed for the dismissal of the complaint.
8. In support of the complaint, the complainant has tendered his affidavit, Ex.CA alongwith documents Exs.C1 to C2 and closed the evidence.

9. On the other hand, the ld. counsel for OP No.2 has tendered in evidence Ex.OPA affidavit of Dr.Gurpreet Singh alongwith document Ex.OP1.
10. On behalf of OP No.2, the ld. counsel has tendered affidavit Ex.OPB of Gurkirat Singh General Manager. He has also stated that the record of the complainant which is already exhibited as Ex.C1 may be read in evidence of OP No.1.
11. On behalf of OP No.3, the ld. counsel has tendered in evidence Ex.OPC affidavit of Mukesh Malhotra, Sr.D.M. alongwith documents Ex.OP2 and closed the evidence.
12. We have heard the ld. counsel for the parties and have also gone through the record of the case, carefully.
13. The ld. counsel for the complainant has argued that the complainant got treatment from OP No.2 in the hospital of OP No.1 as he was suffering from abdominal pain and visited the hospital on 8.7.2016.The ld. counsel further argued that treatment was given by OP No.2 and he was given medicine Zolpidem 6.25 mg and charged Rs.5086/- .The ld. counsel further argued that after consuming this medicine complainant developed abdominal pain and due to that he was taken to D.M.C. hospital on 16.7.2026 and he was remained admitted there till 21.7.2016.The ld. counsel further argued that in the discharge summary of DMC hospital it is mentioned that patient took Zolpidem and developed disease altere sensorium in the form of increased drowsiness , irrelevant talks and constipation. The ld. counsel further argued that it is clear from the findings of the D.M.C. that complainant has suffered due to consumption of Zolpidem, so OP No.2 was negligent in giving the same. The ld. counsel further argued that complaint be allowed and he be allowed Rs.5lac.
14. On the other hand, the ld. counsel for OP No.1 has argued that a false complaint has been filed just to extort illegal sum of money from OP No.1. The ld. counsel further argued that Zolpidem has not given any bad affect after consumption and findings of DMC are wrong. The ld. counsel further argued that Harbans Singh Gill was a known case of alcoholic liver disease and same is proved on the file. The ld. counsel further argued that very low doze of Zolpidem was given as such complaint be dismissed.
15. On the other hand OPs No.2&3 have also argued on the same point as is argued by OP No.1.
16. To prove this case, Sh.Harbans Singh Gill has tendered his affidavit, Ex.CA and he has deposed as per his complaint, Ex.C1 is the prescription slip of Columbia Asia Hospital, Patiala in which Zolpidem was prescribed by OP No.2 doctor.Ex.C2 is the discharge summary of DMC Ludhiana in which date of admission is shown as 16.7.2016 and date of discharge is 21.7.2016 and reason shown for admission are sleep disturbance from seven days, altered sensorium for 3 days and constipation for 3 days.

Clinical Findings were given as under :

“That patient presented to us with sleep disturbance in form of decreased sleep for which he took Zolpidem and develop altere Sensorium in form of increased drowsiness and irrelevant talks. He also complained of constipation”.

So, from the clinical findings of DMC Hospital, Ludhiana, it is clear that patient after taking Zolpidem developed disease of altere sensorium in the form of increased drowsiness, so this is important document for disposal of this complaint. The discharge summary also shows that

patient/complainant is also alcoholic, suffering from chronic liver disease but as already stated above by taking Zolpidem he has suffered from disease altere sensorium. This discharge summary is also attached with other documents of DMC Hospital , Ludhiana, in which it is mentioned that patient was put on I/V fluids and other medicines.

1. To rebut the complaint Dr.Gurpreet Singh Dang has tendered his affidavit Ex.OPA and he has stated that he is insured with OP No.3 through professional indemnity policy and he is well qualified and has deposed that he has never given any wrong medicines.Ex.OP1 is the insurance policy of Dr.Gurpreet Singh Dang of Oriental Insurance Company. This policy is from 26.5.2016 to 25.5.2017 and the period mentioned in this complaint is of this time and total insured amount is shown as Rs.20lac.Sh.Gurkirat Singh General Manager has tendered his affidavit, Ex.OPB. He has also deposed that complainant has having liver disease and no medicine was given and finding of DMC Hospital are wrong.Sh.Mukesh Malhotra Divisional Manager, OIC has tendered his affidavit, Ex.OPC and he has deposed as per his written statement and also proved the policy,Ex.OP2.
2. The complainant has filed this complaint on the ground that he was given the Zolpidem tablet 6.25mg for sleep and he suffered from illness due to that medicine and he has claimed compensation of Rs.5lac.
3. As already stated above,Ex.C2 is an important discharge summary of DMC Hospital, Ludhiana for disbursement of this complaint which shows that the complainant was admitted on 16.7.2016 and discharged on 21.7.2016, in which in the clinical findings, it is mentioned that complainant was presented with sleep disturbance in form of decreased sleep for which he took Zolpidem and develop altere sensorium in form of increased drowsiness and irrelevant talks and also with the complaint of constipation. Although it is also shows that patient himself was suffering from chronic liver disease due to consumption of heavy alcohol . There is also in the discharge summary that due to suggested over doze the patient was admitted to hospital and he was given medicine as per medical jurisprudence. So it is clear that inspite of the fact that patient was having chronic liver disease that was alcohol related, he was suffering but he developed “altere sensorium” by taking zolpidem tablet. So OP No.2 was negligent in prescribing him this tablet, keeping in view that patient was already chronic suffered from liver disease. So there was deficiency in service rendered by OP No.2.OP No.2 is insured with OP No.3 for Rs.20lac and the policy is Ex.OP2.
4. So taking into consideration all the facts and circumstances of the case in view, the complaint is partly allowed and the OPs No.1&2 are directed to pay Rs.25,000/- as compensation to the complainant to be paid by OP No.3 with which OP No.2 is fully insured for Rs.20lac.The OPs No.1&2 are further directed to pay Rs.10,000/-as litigation expenses. Compliance of the order be made by the OPs within a period of 45 days from the date of the receipt of the certified copy of this order.

ANNOUNCED

DATED:10.2.2021

Y.S.Matta

Jasjit Singh Bhinder

Member

President

[HON'BLE MR. J. S. Bhinder]
PRESIDENT

[Y S Matta]
MEMBER