

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, PALAKKAD
Near District Panchayath Office, Palakkad - 678 001, Kerala

Complaint Case No. CC/222/2022
(Date of Filing : 11 Nov 2022)

1. Amrutha

D/o. Late Purushothaman, Arun Nivas, V.T. Nagar,
 Anjumoorthy Mangalam, Vadakkenchery, Palakkad.

Palakkad

Kerala

.....Complainant(s)

Versus

1. Dr. Deepa Nair

Psychiatrist, Thankam Hospital, West Yakkara, Yakkara PO,
 Palakkad Taluk, Palakkad Dist.

Palakkad

Kerala

.....Opp.Party(s)

BEFORE:

HON'BLE MR. Vinay Menon.V PRESIDENT
HON'BLE MRS. Vidya A MEMBER
HON'BLE MR. Krishnankutty. N.K MEMBER

PRESENT:

Dated : 15 Dec 2023

Final Order / Judgement

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, PALAKKAD

Dated this the 15th day of December, 2023

Present : Sri. Vinay Menon V., President

: Smt. Vidya A., Member

: Sri. Krishnankutty N.K., Member

Date of Filing: 11/11/2022

CC/222/2022

Amrutha,

D/o. Late Purushothaman,

Arun Nivas, V.T. Nagar,

Anjumoorthymangalam,

Vadakkancherry, Palakkad.

- Complainant

(By Adv. P. Sreeprakash)

Vs

Dr. Deepa Nair,

Psychiatrist, Thankam Hospita,

West Yakkara, Palakkad

- Opposite party

(By Adv. V.K.Venugopalan)

ORDER

By Sri. Vinay Menon V., President

1. Pleadings in nutshell is that the complainant is aggrieved by the issuance of a certificate by the opposite party to the husband of the complainant stating that the complainant had been suffering from depression disorder with psychotic features. Complainant grieves that such issuance constitute violation of doctor-patient confidentiality and further it is a fabrication of documents. The said document was produced by the estranged husband of the complainant in the Family Court, Palakkad. Aggrieved thereby this complaint is filed.
2. Opposite party filed version that the complainant had been suffering from depression and that she had been the OP's patient. The certificate in question was issued to the husband of the complainant. Certificate was issued in all bonafides to the husband of the complainant without knowing that the relation has gone south. She sought for dismissal of the complaint.
3. The following issues were framed for consideration:
 1. Whether the issuance of certificates by the OP to the complainant's husband was under bonafide discharge of her duties ?
 2. Whether the certificate issued was strictly in accordance with accepted norms and clinical practice ?
 3. Whether there is any deficiency in service on the part of the opposite party ?
 4. Whether the complainant is entitled to any of the reliefs sought for?
 5. Any other reliefs ?
 4. (i) Complainant's evidence comprised of proof affidavit and Exhibits A1 to A4. Marking of Ext.A4 was objected to on the ground it does not contain the particulars of the person who executed it. Even though OP's objection is that Ext.A4 does not contain the details of the person who executed it, Ext.A4 is made on the letter head of

Dr.Manu N.A., Consultant Psychiatrist. Reverse of the the signature and seal of the person who issued it. Hence opposite party is overruled. Also O.P. has no case that the said document is a forged or concocted one.

said order contains objection of the

(ii) O.P. filed proof affidavit. There is no documentary evidence.

Issue No.1

5. Complainant's case is that the opposite party issued Ext.A1 certificate without addressing it to any specific person and it was issued with heading 'TO WHOMSOEVER IT MAY CONCERN'. Complainant was not suffering from any psychological problems. Issuance of such a certificate is in violation of doctor-patient confidentiality.

6. Complainant further grieves that she got notice of Ext. A1 from the Family Court, Palakkad, wherein proceedings are pending between the complainant and her husband.

It may be relevant to note that the complainant pleads in paragraph 2 of the memorandum of complaint "*The complainant merely apprehends that the medical certificate had been issued to the complainant to produce before the Family Court, Palakkad in appending legal proceedings. If that be so, it will amount to making a false document and also falls under the definition of forgery.*" A perusal of Ext.A1 shows that the said document is a copy of a 'True Copy' of issued from the Family court, Palakkad. Seal of the Family Court, Court Fee Stamp and name of examiner are visible in the said document. So we are unable to understand why the complainant states that she merely apprehends production before Family Court when the document was availed by filing a copy application before the Family Court, Palakkad.

7. Since the complainant herself has availed the document from the Family Court, Palakkad, we can reasonably say that the contention raised by the opposite party that she had made the certificate for handing over to the husband of the complainant is probable. The complainant has no case that she had informed the opposite party not to divulge the details of her condition to the husband. Her sole claim is that she was not suffering from any adverse psychological problem.

8. Since the complainant has no case that she had directed the OP not to hand over a certificate to her husband we find that the opposite party cannot be found to be at fault. We do not find any situation whereby the opposite party could reasonable apprehend that the relationship between the complainant and her husband was so strained.

9. We therefore hold that there is no deficiency in service on the part of the opposite party in handing over the certificate to the complainant's husband.

Issue No.2

10. Complainant has failed to prove that the opposite party was aware of the strained relation between her husband and her. In our society when a spouse approaches a doctor for getting the details of the other spouses details the normal reaction of any person would

be to come to a conclusion that they are in a harmonious relation. We find that the opposite party was not any different. The complainant has failed to prove any contra situation that would make the OP suspicious of the motivations of the complainant's husband.

11. Therefore we hold that there was no illegality or irregularity or violation of any norms when opposite party handed over Ext.A1 certificate to the complainant's husband.

Issue Nos. 3 & 4

12. Consequent on the findings in issue nos. 1 and 2, we find that there is no deficiency in service on the part of O.P.

13. We hold that the complainant is not entitled to any of the reliefs sought for.

Issue No. 5

14. The complainant produced Ext.A4 certificate to prove that the complainant was in good mental health. Ext.A4 is a medical certificate issued by Dr. Manu N.A. Consultant Psychiatrist. Ext.A4 is dated 3/10/2021. It shows that the complainant was '*having marital disharmony. The further observation is that the complainant had an adjustment disorder, took sertraline 5 months. Got better about 8 months back.*'

15. It can be seen that sertraline is a medicine used for management of depressive disorders. Further she got better about 8 months back. 8 months from the date of issuance of Ext. A4 on 3/10/2021 would take us to sometime in February 2021 when the complainant was undergoing treatment under opposite party.

16. Thus we find that the complainant had full knowledge that she was undergoing psychological disorders and was under the treatment of OP doctor. The pleadings in this complaint therefore would be nothing short of malicious and vexatious made willfully to harass a doctor for no fault of hers.

17. In such a situation wherein a false and vexatious complaint is filed by the complainant, we are left with no teeth to penalize the complainant under the provisions of Consumer Protection Act of 2019. Such an absence of a penalizing or compensating clause would only benefit the likes of the complainant who can, without any care or concern for the harm such a pleading might cause unjustly. But justice and equity calls for compensating an O.P. who was falsely accused and dragged into a dispute. Therefore we impose a compensation of Rs.25,000/- payable by the complainant to the OP and a cost of Rs.15,000/- payable within 45 days from the date of receipt of a copy of this order. If the compensation and cost are not paid within 45 days as above the OP shall be entitled to a solatium of Rs.500/- per month or part thereof till the date of final payment.

Pronounced in open court on this the 15th day of December, 2023.

Sd/-

Vinay Menon V

President

Sd/-

Vidya.A

Member

Sd/-

Krishnankutty N.K.

Member

APPENDIX

Exhibits marked on the side of the complainant

Ext.A1 - Copy of true photocopy of certificates dated 11/8/2021

Ext.A2 - Copy of lawyer's notice alongwith acknowledgment card

Ext.A3 - Original of reply to Ext.A2

Ext.A4 - Original of doctor's note dated 3/10/2021

Exhibits marked on the side of the opposite party: Nil

Court Exhibit: Nil

Third party documents: Nil

Witness examined on the side of the complainant : Nil

Witness examined on the side of the opposite party : Nil

Court Witness: Nil

NB : Parties are directed to take back all extra set of documents submitted in the proceedings in accordance with Regulation 20(5) of the Consumer Protection (Consumer Commission Procedure) Regulations, 2020 failing which they will be weeded out.

**[HON'BLE MR. Vinay Menon.V]
PRESIDENT**

**[HON'BLE MRS. Vidya A]
MEMBER**

**[HON'BLE MR. Krishnankutty. N.K]
MEMBER**