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DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION: RANGA REDDY

P r e s e n t

SRI G.V.S.PRASAD RAO, PRESIDENT (FAC)  
SMT D.MADHAVI LATHA, LADY MEMBER

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER  
TWO THOUSAND TWENTY ONE

CC 144/2014

Between:

Smt.Arva Bhagya, W/o Arva Prabhakar,  
Age 24 years, Occ: House wife,  
R/o H.No.1-9-202/18, Hanuman Colony,  
Near Shishumandir School,  
Kushaiguda, Hyderabad.

... Complainant

AND

1. The Management,  
Life Spring Maternity Hospital,  
H.No.3-4-30/1, Narsimhanagar,  
Mallapur, Nacharam, Hyderabad.  
Represented by its Business Head Sri K.Suresh.
2. Dr.K.Varija, MBBS.DGO  
Obstetrician & Gynecologist,  
Regd No.37348, Life Spring Maternity Hospital,  
H.No.3-4-30/1, Narsimhanagar,  
Mallapur, Nacharam, Hyderabad.

... Opposite Parties

Counsel for Complainant : M/s Y.Subhash, Advocates  
Counsel for Opposite Parties : M/s P.Srinivasa Rao, Advocates

*This complaint is filed by the complainant U/Sec.12 of Consumer Protection Act, 1986 praying this Commission to direct the Opposite Parties to pay compensation of Rs.7,20,000/- with interest @ 12% p.a. from the date of accident till its realization and to award costs and to grant such other relief or reliefs as this Hon'ble Commission deems fit and proper.*

O R D E R

(PER SE Sri.G.V.S.PRASAD RAO, PRESIDENT (FAC)  
ON BEHALF OF THE BENCH)

1. Brief averments of the complaint are as follows:

The complainant submits that she got admitted in Opposite Party No.1 Hospital on 12.08.2013 at 7:30 PM for delivery. Initially, though it was expected to be a normal delivery, the next day a caesarean operation was performed at about 6:15 AM by Opposite Party No.2 and a female baby was born. All of a sudden, Opposite Party No.2 left the hospital stating the reason to drop her children to school and instructed the

sisters to attend to the cleaning. Complainant was shifted to a room in profusely sweating condition and on 14.08.2013 when the complainant was shifted to general ward she had 102 degree centigrade fever. Tablet Dolo-650, injections and sponging was advised inspite of which the fever did not subside.

Opposite Party No.2 got fever profile test done which disclosed everything was normal and when fever did not get controlled, Opposite Party No.2 gave 3 days malaria course and also 3 days injections course. Even when sutures were removed by Opposite Party No.2 on 21.08.2013 fever was not under control and complainant was referred to Raghavendra Hospital where Dr. Srinivas got examined her blood and other tests were also done. During scanning, it was detected that after delivery the stomach was not completely cleaned and fluid and blood pieces were found, due to which infection was caused and Dr.Srinivas said that it could affect even the heart, liver and kidneys after some days. Later another doctor Dr.Srilatha Gynecologist advised for re-surgery but expressed that due to lack of hemoglobin/blood, patient can go into Coma. Complainant was admitted in ICU but the fever did not get controlled. Under these circumstances, blood transfusion cannot be done. It was a critical condition as to cure the infection, the fluid and blood pieces have to be removed and until infection is cured, fever cannot be controlled for surgery which cannot be done without sufficient hemoglobin. Doctors at Raghavendra Hospital did not give any assurance for complainant's life and started treatment with medicines only on the consent given by complainant's family members and this caused untold mental agony to them. Complainant was again shifted to Jaya Krishna Hospital where Dr.Venu Gopal got her admitted only upon the undertaking and consent that as the condition of the patient was serious, the doctors should not be held responsible for any untoward incident. The MRI scanning done on 26.08.2013 showed presence of blood pieces and fluid in the patient's stomach and the temperature went upto 106 degrees centigrade. However, later as the doctors could control fever and the haemoglobin rose upto 8.5 mg after blood transfusion doctors avoided re-surgery and continued medicines and as on the date of the complaint also, the complainant is still on constant medication. On 02.09.2013, three persons from Opposite Party No.1 Hospital came to Jayakrishna Hospital and admitted that there was mistake of Opposite Party No.1 Hospital and assured that justice will be done to the complainant. It is submitted that complainant suffered physical pain and mental agony beside monetary loss and as such is entitled to claim entire medical expenditure incurred, and also compensation for suffering and for continuous medical treatment which was necessitated due to 'negligence' and 'deficient service' of Opposite Parties. As the complainant spent Rs.2,20,000/- towards medical expenditure and the compensation claimed for loss of health, money and for mental agony suffered being Rs.5,00,000/-, the complaint is filed accordingly. Hence this complaint.

2. In the beginning, the Opposite Parties did not choose to contest the matter and remained *exparte*. After considering the material on record, the Opposite Parties are directed to pay the amount of Rs.2,20,000/- as the amount spent by the complainant for medical treatment and to pay compensation of Rs.4,00,000/- besides costs of Rs.10,000/-. Aggrieved by the said order, the Opposite Parties preferred appeal before the Hon'ble State Commission in F.A.No.705/2014. After hearing both sides, the Hon'ble State Commission was pleased to remand the matter with a direction to conduct fresh enquiry by giving opportunity to both parties to adduce their evidence.

3. After remand, the Opposite Parties filed written version and stated that there was no negligence on their part and they treated the complainant with due diligence and with utmost care and followed the established norms and has taken necessary precautions. It is submitted that the complainant was admitted in their hospital on 12.08.2013 at around 8 pm with complaint of leakage from vagina for 2 hours. Initially, she was examined by Dr.Sunitha and noted that vitals were stable and in view of Premature Rupture of Membranes (PROM) she started intravenous antibiotics, inj. Taxim and inj.Metrogyl. The Opposite Party No.2 came around 11.00 pm to the duty, examined the patient and identified that membranes were absent, draining of clear liquor was present. In view of the condition of the patient, the Opposite Party No.2 started induction of labour with 2.5 units of Oxytocin drip in Ringer Lactate and IV antibiotics given intravenously. Further, injection Epidocin advised half an hourly through IV. The patient was under non-stress test monitoring and she was monitored throughout the night. At around 4 am, since the NST was non-reactive which indicates "foetal distress", then the Opposite Party No.2 decided to take the patient for emergency "Caesarean section LSCS". At around 6 am, Emergency LSCS was done and the patient delivered a live female baby at 6:13 am. The placenta with intact membranes was removed completely and abdomen was closed in layers. Post operatively, the patient was started intravenously IV fluids and antibiotics. She developed fever at 10 am and she was given Paracetamol and cold sponge was done, then fever subsides. Again she was getting intermittent fever, then the doctors did investigations and all reports are normal except her Haemoglobin levels are bit low. The patient was continued with Antibiotics and also started Anti-Malarial treatment. Initially, blood transfusion was planned but due to intermittent fever, blood transfusion was not given. However, inj. Orofer S injection was given with normal Saline. The urine catheter of the patient was removed and patient started with soft diet.

The Opposite Parties further submit that on 16.08.2013, the patient was uneventful. On 17.08.2013 i.e. 3<sup>rd</sup> post-operative day, she requested for discharge to attend Bonalu but the doctors refused to discharge in view of the intermittent fever. However, the patient and her attendants demanded for discharge, the doctors having no other option discharged the patient under LAMA. After two days, nurses of the hospital

called the patient on phone and enquired about her health and came to know that she was doing fine. On 21.08.2013, the patient came to Opposite Parties hospital for removal of sutures. It is pertinent to submit that she came to the hospital by walking freely without any problem, so suture removal was done, the wound was healed well and no wound infection observed, uterus was involuting well, she was advised iron and calcium tablets. While going from the hospital, she told Opposite Party No.2 that she was getting on and off fever sometimes, then the Opposite Party No.2 advised her to consult physician as the fever was not related to surgery and also to find out other causes of the fever. Then she left the hospital by walk and thereafter, she never turned up to the Opposite Parties hospital. Thereafter, the Opposite Parties are not aware of the alleged problems of the patient.

It is submitted that after delivery, it takes upto 5 weeks for the uterus cavity to its regress to normal state of potential space. There was no retained products of conception. In case of any "Retained Products of Conception (RPOC)" found, the doctors should have done D & C operations but records show no such surgery was conducted and the patient was managed by medically, as such the allegations of the complainant are totally incorrect and appears as misconceptions. It is incorrect to state that all of sudden, the Opposite Party No.2 left the hospital stating that she has to drop her children in the school by 7.30 am by instructing sisters to attend the cleaning etc., thereafter she was shifted to a room in profusely sweating condition. The Opposite Parties are not aware of consulting Raghavendra Hospital and subsequent events and shifting of the patient to Jai Krishna Hospital. It is incorrect to state that on 02.09.2013, group of 3 persons visited the patient in Jai Krishna Hospital and admitted that there was a mistake of the hospital and assured the patient that they would see that justice should be done. The main aim of the Opposite Parties hospitals is to provide dignified maternal health care services to low income mothers across the country more particularly lower strata of the society. The Opposite Party No.2 completed her MBBS in the year 1993 from the Gandhi Medical College and (DGO) completed from Gandhi Medical College in the year 1998 and thereafter she worked in Singareni Collieries and District Hospital, Karimnagar for 3 years and she has got 21 years of rich experience in the gynaecology. The complainant is making false allegations with a malafide intention to disrepute the Opposite Parties in order to extract the amounts from them. The allegations made by the complainant are frivolous and false and are invented for the purpose of the case. Therefore, it is prayed to dismiss the complaint with costs.

4. In the beginning, the complainant filed evidence affidavit and got marked the documents as Ex.A1 to A59 and also filed written arguments. After remand, the Opposite Party No.2 filed her evidence affidavit and Ex.B1 is marked on their behalf. Both parties filed their respective written arguments.

5. Now the points for consideration in this case are:

- (i) Whether there is any deficiency in service on the part of Opposite Parties?
- (ii) If so, to what relief?

6. Point No.1: It is not denied that the complainant was admitted in the Opposite Parties hospital on 12.08.2013 and it is also not disputed that the complainant underwent caesarean operation and a baby girl was delivered. After the said caesarean while in the observation of Opposite Parties, the complainant had fever and that on the advice of the Opposite Parties to consult a general physician, the complainant approached Dr.Srinivas at Raghavendra Hospital as the fever did not subside. The contention of the complainant is that in the test conducted at Raghavendra Hospital revealed that 'it was detected that after delivery the stomach was not completely cleaned and fluid and blood pieces were found, due to which infection was caused'. Ex.A8 reveals the same.

The contention of the Opposite Parties is that there is no negligence on their part and that they have followed all standard protocols while treating the complainant and that the complainant herself got discharged under DAMA (Discharge against medical advice) stating that the complainant shall attend to Bonalu, a religious ritual. Further stated that the complainant has not turned back after 21.08.2013 after removing the sutures and that the complainant had no complaint at that time.

On perusal of the material record placed before us and heard the learned counsels, from Ex.A8 it was detected that 'after delivery, the stomach was not completely cleaned and fluid and blood pieces were found, due to which infection was caused'. There is no rebuttal on this observation by the Opposite Parties. The Opposite Parties have only contended that the complainant got discharged on DAMA and that they have strictly followed all the standard norms while treating the complainant. The Opposite Parties though stated that the complainant was admitted with leakage from vaginum for 2 hours, however Ex.B1-the admission case record of the Opposite Parties do not reveal the same. In the said circumstances, we are of the considered opinion that due to the laxity of the Opposite Parties, after the caesarean the stomach was not completely cleaned and fluid and blood pieces were found, due to which infection was caused and as such had high temperature which was later controlled after been treated at Raghavendra and Jayakrishna hospitals. This indicates that the Opposite Parties were negligent in discharging their duties while rendering services to the complainant which constrained the complainant to approach the other hospitals and got the treatment by incurring additional expenditure. As such, the Opposite Parties are liable to reimburse the expenses incurred by the complainant for getting the treatment at other hospitals and as well liable to compensate the complainant for the pain, suffering and mental agony and as well liable to pay costs. The point is accordingly answered.

7. Point No.2: In the result, the complaint is partly allowed and the Opposite Parties are jointly and severally directed to pay the complainant an amount of Rs.2,20,000/- (Rupees Two Lakhs Twenty Thousand only) towards the medical expenses. The Opposite Parties are further directed to pay an amount of Rs.2,00,000/- (Rupees Two Lakhs only) towards compensation besides costs of Rs.10,000/- (Rupees Ten Thousand only) to the complainant. Time for compliance is 30 days, failing which the amount of Rs.2,20,000/- shall carry an interest @ 9% p.a. from the date of default, till the date of realization.

Dictated to the Steno-typist, transcribed by her, corrected by me and pronounced by us in the Open Forum on this the 15<sup>th</sup> day of September, 2021.

Sd/-  
PRESIDENT (FAC)

Sd/-  
LADY MEMBER

APPENDIX OF EVIDENCE  
WITNESSES EXAMINED

For Complainant  
Affidavit filed

For Opposite Parties  
OP-2 filed Affidavit

EXHIBITS MARKED

For Complainant

Ex.A1 – Complete blood picture dt.16.08.2013  
Ex.A2 – Discharge Summary  
Ex.A3 – Prescription dt.21.08.2013  
Ex.A4 – Prescription dt.21.08.2013  
Ex.A5 – Complete blood picture dt.21.08.2013  
Ex.A6 – Liver function test dt.21.08.2013  
Ex.A7 – Bio Chemistry report dt.21.08.2013  
Ex.A8 – Ultrasound scan of whole abdomen dt.21.08.2013  
Ex.A9 – Coagulation – Laboratory Test Report dt.22.08.2013  
Ex.A10 – Complete blood picture dt.24.08.2013  
Ex.A11 – Ultrasound scan of whole abdomen dt.24.08.2013  
Ex.A12 – Prescriptions  
Ex.A13 – Ultrasound scan of whole abdomen dt.25.08.2013  
Ex.A14 – Cash Receipt dt.21.08.2013  
Ex.A15 – Cash Receipt dt.21.08.2013  
Ex.A16 – Investigation bill dt.21.08.2013  
Ex.A17 – Investigation bill dt.22.08.2013  
Ex.A18 – Investigation bill dt.24.08.2013  
Ex.A19 – Investigation bill dt.24.08.2013  
Ex.A20 – Investigation bill dt.25.08.2013  
Ex.A21 – Cash Receipt dt.25.08.2013  
Ex.A22 – Cash Receipt dt.25.08.2013  
Ex.A23 – Provisional Bill  
Ex.A24 – Cash Receipt dt.25.08.2013  
Ex.A25 – CT – Whole Abdomen Plain dt.26.08.2013  
Ex.A26 – Department of Microbiology dt.26.08.2013  
Ex.A27 – Clinical Bio Chemistry report dt.26.08.2013  
Ex.A28 – Immunology Report dt.26.08.2013  
Ex.A29 – Microbiology Report dt.26.08.2013

Ex.A30 – X-ray Chest PA view dt.27.08.2013  
 Ex.A31 – Haematology Report dt.27.08.2013  
 Ex.A32 – Haematology Report dt.27.08.2013  
 Ex.A33 – Ultrasound scan of whole abdomen dt.30.08.2013  
 Ex.A34 – Haematology Report dt.31.08.2013  
 Ex.A35 – Ultrasound scan of whole abdomen dt.02.09.2013  
 Ex.A36 – Discharge Summary dt.02.09.2013  
 Ex.A37 – Cash/Credit Bill dt.25.08.2013  
 Ex.A38 – Cash/Credit Bill dt.25.08.2013  
 Ex.A39 – Receipts dt.26.08.2013  
 Ex.A40 – Receipts dt.27.08.2013  
 Ex.A41 – Cash Receipts dt.28.08.2013  
 Ex.A42 – Receipt dt.29.08.2013  
 Ex.A43 – Cash Receipt dt.29.08.2013  
 Ex.A44 – Cash/Credit Bill dt.30.08.2013  
 Ex.A45 – Cash/Credit Bill dt.30.08.2013  
 Ex.A46 – Receipt dt.31.08.2013  
 Ex.A47 – Cash/Credit Bill dt.31.08.2013  
 Ex.A48 – Cash/Credit Bill dt.31.08.2013  
 Ex.A49 – Cash/Credit Bill dt.31.08.2013  
 Ex.A50 – Investigations dt.31.08.2013  
 Ex.A51 – Receipt dt.02.09.2013  
 Ex.A52 – Cash/Credit Bill dt.02.09.2013  
 Ex.A53 – Estimation Bill dt.02.09.2013  
 Ex.A54 – Ultrasound scan of whole abdomen dt.13.09.2013  
 Ex.A55 – Prescription dt.13.09.2013  
 Ex.A56 – Copy of Legal Notice dt.05.03.2014  
 Ex.A57 – Postal Receipts  
 Ex.A58 – Return Postal cover  
 Ex.A59 – Return Postal cover

Exhibits marked for the Opposite Parties

Ex.B1 – Copy of Admission Case Record

Sd/-  
PRESIDENT (FAC)

Sd/-  
LADY MEMBER