

Date of Filing: 14.08.2023
Date of Order: 17.04.2025

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION - I, HYDERABAD
Present

HON'BLE MRS. B. UMA VENKATA SUBBA LAKSHMI, PRESIDENT
HON'BLE MRS. C. LAKSHMI PRASANNA, MEMBER

On this the Thursday, the 17th day of April, 2025

C.C.No. 347/2023

Between:-

K. Ravi Kumar, S/o. K.S. Narayana,
Aged about 53 years, Occ: Self-employed,
R/o. 5-9.4, Garden House, Kothapalem, Gopalpatnam,
Vishakapatnam, Andhra Pradesh - 530 027.
Phone: 9848483061



....Complainant

AND

1. M/s. Vitality Health Services,
9-1, 129/2, Jadhav Complex, SD Road,
Regimental Bazaar, Shivaji Nagar,
Secunderabad, Telangana - 500 003.
Represented by Mr. Sudheer Reddy
2. Mr. Sudheer Reddy,
Authorised representative and Proprietor,
Vitality Health Services,
9-1, 129/1, Jadhav complex, SD Road,
Secunderabad, Telangana - 500 003.
3. Dr. T. Harika,
General Surgeon at Vitality Health Services,
Occ: Doctor, R/o. H.No.6-1-95/1,
Opp. Bharat Seva Samaj,
Musheerabad, Secunderabad,
Telangana - 500 020.
4. Dr. Ranjeesh Vuppay,
General Surgeon at Vitality Health Services,
Occ: Doctor, R/o. Flat No.402,
Abode Southend 3, Behind 5th Avenue Bakery,
Sainikpuri, Hyderabad,
Telangana - 500 094.
5. Dr. Jayachandra Ratho J,
Anaesthetist at Vitality Health Services,
Occ: Doctor, R/o. H.No.30-265/20/4/A,
Geetha Nagar, Sainathpuram, Neredmet,
Secunderabad, Telangana - 500 056.
6. Wellness Hospital,
7-1-79/A & B, Dharam Karam Road,
Ameerpet, Hyderabad,
Telangana - 500 016.

....Opposite Parties

Prasanna



Counsel for the Complainant
Counsel for the Opposite Parties

: Mr. Ekant Hiranandani
: M/s. U. Shanthi Bhushan Rao

ORDER

(By HON'BLE MRS. C. LAKSHMI PRASANNA, MEMBER
on behalf of the bench)

The present complaint is filed by the complainant U/Sec.35 of The Consumer Protection Act, 2019 alleging negligence and deficiency of service on the part of the Opposite Parties and seeking appropriate direction to the Opposite Parties

- i) To pay a sum of Rs.49,00,000/- towards compensation for loss of earning and income of the complainant's wife on her death on account of negligence and deficiency of service of the Opposite Parties;
- ii) To pay a sum of Rs.10,00,000/- towards the amount spent by the complainant for the procedures, post-surgery emergency treatment of his wife and towards medical expenses incurred for the medical problems suffered by the complainant and towards stress and trauma of his wife's death;
- iii) To pay a sum of Rs.40,00,000/- as damages for mental agony, pain and suffering of the complainant on account of the death of his wife;
- iv) To award costs of litigation;
- v) To pay interest @ 24% per annum from the date of the complaint till the date of realization of the amounts mentioned above in (i) to (iv).;
- vi) To grant such other reliefs deemed fit and proper in the interest of justice.

Brief facts of the case are:-

1. As per the averments of the complaint, the complainant's wife underwent Hysterectomy surgery in O.P.No.1 Hospital and O.P.No.1 and O.P.No.3 to 5 are the doctors who performed the surgery which led to the death of the patient/complainant's wife. It is submitted that the complainant's wife, who is the mother of two children; is the only earning member of the family. It is submitted by the complainant that on 15/8/2021, O.P.No.3 to 5 performed Hysterectomy to the complainant's wife and right after the surgery, in a state of panic, informed the complainant that the patient/his

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wife has suffered a stroke during the surgery and there is an emergency condition. Further that O.P.No.3 to 5 informed the complainant that the patient has stopped breathing even after trying to revive through manual Ambu bag and that the patient is not responding to CPR given, the patient has to be shifted to a Super Speciality Hospital as they did not have a ventilator to revive the patient and they insisted to shift the complainant's wife/patient to O.P.No.6 Hospital which was farther away from many other super speciality hospitals in the proximity of O.P.No.1 Hospital. The complainant alleges negligence and deficiency of service on the part of the O.P.No.1 hospital and the doctors O.P.No 3 to 5 on the following grounds-

- i) That O.P.No.3 to 5 negligently performed the hysterectomy surgery which resulted in the death of the patient/complainant's wife;
- ii) that there is no lift or stretcher in O.P.No.1 due to which the patient/complainant's wife had to be carried in a bedsheet by O.P.No.3 to 5 (photo filed under Ex.A-1)
- iii) that O.P.No.1 Hospital failed to provide for an ambulance for shifting the patient to another Hospital in the last hour;
- iv) That the ambulance which was arranged by O.P.No.1 Hospital did not have oxygen and other emergency care equipment.
- v) That O.P.No.6 informed the complainant that the patient/complainant's wife suffered a cardiac stroke during hysterectomy in O.P.No.1 Hospital and that the patient suffered another stroke in O.P.NO.6, and without even making an attempt to revive, she was declared dead by switching off the mechanical ventilator.

It is the case of the complainant that the above circumstances leading to the patient's death clearly establish that there was lack of reasonable care and skill on the part of the Opposite Parties, and that the Opposite Parties were negligent in not conducting the necessary investigations before the surgery and in administering anaesthesia without anticipating the consequences and not providing critical care. It is the case of the complainant the O.P.No.1 Hospital was not equipped with basic necessary infrastructure like ventilator, Intensive Care Unit etc and the doctors O.P.No.3



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to 5 were not competent enough and lacked proper skill to perform the hysterectomy surgery of the patient/complainant's wife resulting in her death. It is submitted that the presence and requirement of a gynaecologist is a must while conducting hysterectomy and that none of the doctors O.P.No.3 to 5 are Gynaecologists or have specialised in Gynaecology for conducting the hysterectomy surgery to the patient/complainant's wife.

Apparently, the complainant's wife was working in the O.P.No.1 Hospital as Administrative staff and it is alleged by the complainant that the doctors O.P.No.3 to 5 persuaded the complainant's wife to get the hysterectomy done without taking any precautionary measures and without following the medical protocol, without the necessary infrastructure, proper hygiene and sterility in O.P.No.1 Hospital, which resulted in an emergency and eventually the death of the patient/complainant's wife.

It is alleged by the complainant that O.P.No.1 hospital which is registered as an Allopathic Private medical Care Establishment violated the provisions of the Telangana State Allopathic Private Medical Care Establishments (Registration & Regulation) Act, 2002.

Apparently, the Complainant lodged a police complaint dt. 8/10/2021 with the Ramgopalapuram Police Station against OPs No. 1 to 5 for negligently performing the surgery which has led to the death of the Victim (the complaint along with acknowledgement receipt dated 21.10.2021 is filed under Ex.A-9)

Further the Complainant submitted a complaint dt. 13/10/2021 to District Medical and Health Officer, Hyderabad District against OP Nos. 1 to 6 requesting to conduct an enquiry into the negligent actions of OP Nos 1 to 6 and to investigate and review if OP No.1 had the facilities, equipment and permissions to perform hysterectomy surgeries.

Pursuant to the police complaint, the SHO Gopalpuram PS on 26/10/2021 addressed a letter to District Medical and Health Officer, Hyderabad District informing them about the Medical Negligence complaint registered by the Complainant

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against OP Nos. 1 to 5 and that a petition vide No. HYD/GP_HYD/21102/00695 has been registered on 21.10.2021, and vide letter dt.26.10.2021 (Ex.A-11) requested the District Medical and Health Officer to furnish the following information to carry out further investigation and lodging FIR against O.P.No.1 to 6-

- i) Based on the case sheet of the patient whether the Hysterectomy surgery conducted is genuine or not?
 - ii) Whether Vitality Health Services Hospital has valid Medical License or not to provide above mentioned treatment?
 - iii) Whether the Hospital is well equipped to conduct Hysterectomy surgery or not, if so is it according to the norms of the Medical Board or not?
 - iv) Whether Anaesthesia can be given to the patient before surgery without availability of ventilator in the hospital or not.
 - v) Whether the Anaesthesiologist has given correct concentration of Anaesthesia required for Hysterectomy Surgery to the patient?
 - vi) Does the Hospital have Boyle Apparatus to give Anaesthesia to the patients?
 - vii) Whether the hospital is built according to the norms of Medical Board as it was not having ramps for the movement of patients through stretcher or wheel chair?
 - viii) Whether O.P.No.1 hospital is equipped with Ambulance Service at the time of operation and was there an Ambulance to shift the patient in an emergency situation?
 - ix) Whether the surgeons (doctors) possess requisite license to treat Hysterectomy patients in the hospital?
- And the District Health & Medical Officer constituted an enquiry team with three medical officers vide Notice Ref.Spl/DRA/DMHO/HYD/2021 dt.30/10/2021 to conduct enquiry and submit a detailed report within 7 days, and accordingly, the Enquiry Team submitted their report dt.18/12/2021 (Ex.A-14) wherein it has been categorically stated that a) O.P.No.1 Hospital has no facility of ramp or lift for movement of patients on



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stretcher, b) O.P.No.1 Hospital is not equipped with Ambulance Services c) O.P.Nos. 3 to 5 Doctors are not there in the application submitted by O.P.No.1 under Clinical Establishment Act.

It is submitted by the complainant that he requested the District Health & Medical Officer to submit the Enquiry Team Report to SHO, Gopalapuram to enable them to take necessary action against the Opposite Parties Nos.1 to 6. It is also submitted by the complainant that he gave a representation dt.3/1/2022 along with the Enquiry Team Report dt. 18/12/2021 to the District Collector, Hyderabad District to issue necessary direction to the SHO to investigate and take further action against O.P.No.1 to 6.

It is submitted that subsequently, the District Health & Medical Officer addressed a letter dt.29/12/2021 (Ex.A-16) to Superintendent, Gandhi Medical Hospital seeking expert opinion about the alleged negligence in the medical treatment given to the patient/complainant's wife by O.P.Nos.1 to 6, and the Expert Opinion of the Professor of Obstetrics & Gynaecology Dept of Gandhi Hospital was forwarded vide letter dt.19/1/2022 (Ex.A-17), wherein while stating that the procedure was uneventful, it was mentioned that there was delayed recovery of the patient from anaesthesia and hence suggested to obtain the expert opinion of an Anaesthetist. Accordingly, on seeking the expert opinion of HOD, Department of Anaesthesia, it was opined vide letter dt.21/2/2022 (Ex.A-18) that there is a delay in recovery of the patient/complainant's wife due to long duration of surgery under laparoscopy and due to metabolic derangement of the victim and suggested to take the expert opinion of a Neurologist in view of the hypoxic episode. So, further, on requesting by the District Health & Medical Officer, the HOD of Department of Neurology, Gandhi Medical Hospital gave his opinion dt.25/3/2022 (Ex.A-23) stating that

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the patient became hypoxic with saturation levels of 88% and suggested for anaesthetist opinion again.

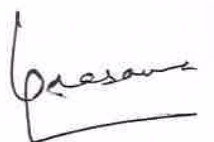
It is submitted by the complainant that the matter was referred from one department to another with inordinate delay and without any conclusive finding.

Aggrieved by the in action of District Health and Medical Officer and the SHO, Gopalpuram PS, the Complainant approached the Hon'ble High Court of Telangana and filed a Writ Petition vide W.P. No. 37005 of 2022 and the Hon'ble High Court was pleased to pass an order in favour of the Complainant and specifically directed the District Medical and Health Officer to answer the queries as sought for in the WP within a period of two weeks from the date of the order and directed the SHO, Gopalapuram Police Station, Secunderabad to take appropriate action against the OPs in accordance to law expeditiously (A copy of the Writ Affidavit filed in W.P. No. 37005 of 2022 filed by the Complainant before the Hon'ble High Court of Telangana and a copy of the order dt. 21/2/2023 are filed under Ex.A-25 & A-26 respectively).

It is submitted that despite specific directions from the Hon'ble High Court of Telangana vide order Dt. 21/2/2023 in W.P. No. 37005 of 2023, the District Health and Medical Officer and the SHO Gopalpuram PS failed to take any action against the Opposite Parties, for reasons best known.

It is submitted that on account of sudden untimely death of the patient/complainant's wife, the complainant was depressed and could not attend his work and lost his livelihood and having lost their mother, the two children of the complainant and the patient suffered mental agony affecting their education and normal life.

Aggrieved by the same, the present complaint is filed alleging medical negligence/deficiency of service against the Opposite Parties and seeking appropriate relief.






2. The written version is filed by the Proprietor of O.P.No.1 Hospital on behalf of himself and on behalf of the Opposite Parties No.1 to 6, without any such authorisation letter from the other Opposite Parties. In the written version, along with bald denial of the allegations, it was contended that the complainant is not a consumer and that the complainant tampered materials and liable to be prosecuted u/sec.464 of IPC. It was also contended that the complainant suppressed material facts with false and fabricated allegations to make illegal gain out of an unfortunate death of the patient, which amounts to fraud and misleading the Commission. With the above contentions, the Opposite Parties sought to dismiss the complaint.

3. During the course of enquiry, the complainant filed his evidence affidavit and in support of his claim got marked Ex.A-1 to A-27 as detailed in the Annexure on behalf of the complainant. The evidence affidavit of the Proprietor of O.P.No.1 Hospital, as authorised signatory on behalf of all the Opposite Parties without any authorisation letter and got marked Ex. B-1 TO Ex.b-8 including the consent form, Copy of ECG report and 2D-Echo report, case sheet of the patient in O.P.No.1 Hospital and O.P.No.6 Hospital of the patient/complainant's wife, Copy of invoice of Ventilator, Expert Opinion of Gandhi Hospital, Whatsapp messages by the complainant with O.P.No.2.

4. Based on the facts and material brought on record, and the oral and written submissions of both the parties, the following points have emerged for consideration:

- Whether the complainant could make out a case of unfair trade practice/ deficiency of service on the part of the Opposite parties?
- Whether the complainant is entitled for the claim/compensation made in the complaint? To what relief?

5. The undisputed facts of the case are that the complainant's wife was diagnosed with Adenomyosis of uterus and had undergone Laparoscopic Hysterectomy + Bilateral Salpingo Oophorectomy conducted by O.P.No.4 assisted by O.P.No.3 under General Anaesthesia given by O.P.No.5 at O.P.No.1 Hospital around 9.00

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am on 15/8/2021, as evident from the case sheet filed under Ex.B-4.

It is evident from the Case-sheet/Progress Notes filed under Ex.B-4 that it was noted by O.P.No.4 that post- operation around 3.00pm, the patient/complainant's wife was intubated due to hypoxia and discussed with the patient's family regarding need for mechanical ventilator support and that the patient is shifted to Higher Centre/O.P.No.6 Hospital at 5.47 pm for further management, and the same is evident from the Death Summary filed under Ex.B-5, wherein it is mentioned that the patient was brought to the E/R with mechanical ventilator support and that after necessary investigations, she was treated with IV fluids, antibiotics, analgesics, multivitamins and other supportive medication and that the patient developed bradycardia around 1.30 am and was administered with atropine injection and adrenaline and CPR was also started immediately and continued for 30 min, VT attained DC shock given with 200J and continued CPR, but the patient could not be revived and the ECG showed flat line and the patient was declared dead at 2.00 pm on 16/8/2021.

It is the case of the complainant that his wife died due to negligence and deficiency of service on the part of the Opposite Parties No. 1 to 5.

It is alleged by the complainant

- 1) That O.P.No.3 to 5, who were not competent enough and lacked proper skill negligently performed the hysterectomy surgery of the patient/complainant's wife resulting in her death;
- 2) That there is no lift or stretcher in O.P.No.1 due to which the patient/complainant's wife had to be carried in a bedsheet by O.P.No.3 to 5 (photo filed under Ex.A-1)
- 3) that O.P.No.1 Hospital failed to provide for an ambulance for shifting the patient to another Hospital in the last hour;
- 4) That the ambulance which was arranged by O.P.No.1 Hospital did not have oxygen and other emergency care equipment.
- 5) That O.P.No.6 informed the complainant that the patient/complainant's wife suffered a cardiac stroke during hysterectomy in O.P.No.1 Hospital and that the patient suffered another stroke in O.P.NO.6, and without even






making an attempt to revive, she was declared dead by switching off the mechanical ventilator.

It is reiterated in various judgments that "Negligence is the breach of a duty caused by omission to do something which a reasonable man guided by those considerations which ordinarily regulate the conduct of human affairs would do, or doing something which a prudent and reasonable man would not do. Negligence becomes actionable on account of injury resulting from the act or omission amounting to negligence attributable to the person sued. The essential components of negligence, as recognised, are three: "duty", "breach" and "resulting damage", that is to say:

- (i) The existence of a duty to take care, which is owed by the defendant to the complainant;
- (ii) The failure to attain that standard of care, prescribed by the law, thereby committing a breach of such duty; and
- (iii) Damage, which is both casually connected with such breach and recognised by the law, has been suffered by the complainant.

In support of his claim, the complainant filed the following documents which show various expert opinions furnished by the District Health & Medical Officer and the findings of the Hon'ble High Court of Telangana in W.P. No. 37005 of 2022.

Ex.A-14 dt.18/12/2021- Expert Committee Report duly signed by the Medical Officers after visiting the O.P.No.1 Hospital, submitted to the District Health & Medical Officer, Hyderabad District, wherein. While suggesting for expert opinion of concerned specialists in anaesthesia, it is inter alia mentioned that

- a) That O.P.No.1 has a valid Medical Licence (23/9/2017 to 23/9/2022)
- b) At the time of inspection one Boyle Apparatus was available
- c) Ramp not available
- d) Lift provision is there but not sufficient for movement of patients through stretcher
- e) Hospital not equipped with ambulance services
- f) The doctors O.P.No.3 to 5 possess degree with registration at Telangana State Medical Council to

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practice or treat the patient but neither of their names nor their certificates are present in the application submitted by O.P.No.1 under Clinical Establishment Act.

Ex.A-17 dt.19/1/2022 Expert Opinion of Professor & HOD, Department of Obstetrics & Gynaecology of Gandhi Hospital while suggesting for expert anaesthetist opinion, observed

- a) That O.P.No.4 & 3 are General Surgeons who performed the surgery to the complainant's wife
- b) There was delayed recovery from General Anaesthesia
- c) At 2:20 p.m, the patient became hypoxic and intubated and shifted to Wellness Hospital/O.P.No.6, Ameerpet for mechanical ventilator support.

Ex.A-21 dt.21/2/2022 -Expert Opinion of Professor & HOD of Department of Anaesthesia of Gandhi Hospital after going through the answers of O.P.No.5/Anaesthetist and the medical records, opined that there is a delay in recovery of the patient which may be due to a) long duration of surgery under laparoscopy, b) metabolic derangement and hence suggested to take the opinion of a Neurologist.

Ex.A-23 dt.25/3/2022 -Expert Opinion of HOD of Department of Neurology, Gandhi Hospital observed that there is no evidence of neurological manifestations like seizures, myoclonic jerics, focal neurological deficits leading to cause of death of the patient and referred back to Department of Anaesthesia for their opinion.

Based on the facts on record, the oral submissions and taking into consideration the expert opinions of medical professionals and the findings of the Hon'ble High Court of Telangana in W.P. No. 37005 of 2022 in the checkered






history of the case since October 2021 till date, it is apparent that the complainant had been pursuing with the concerned authorities for investigation and taking action against the Opposite Parties for the alleged medical negligence and aggrieved by delayed investigation and inaction by the District Health & Medical Officer, the complainant approached the Hon'ble High Court vide W.P.No.37005/2022 which was disposed of vide orders dt.21/2/2023 with a direction to the District Health & Medical Officer, Hyderabad District/Respondent No.3 therein to answer the following queries vide letter dt. 26/10/2021 sought by the complainant herein/petitioner therein within two weeks from the date of receipt of the said order-

- A) Whether anaesthesia can be given to the patient before surgery without availability of ventilator in the hospital or not?
- B) Whether the anaesthetist/O.P.No.5 has given correct concentration of anaesthesia required for Laparoscopic Hysterectomy surgery to the patient?
- C) Whether the O.P.No.1 Hospital is built according to the norms of Medical Board as it was not having ramps for the movement of patients through stretcher or wheel chair?

There is nothing on record in the present proceedings to show that the above queries were answered by the concerned authority till date.

Be that as it may, a bare perusal of the Expert Committee Report and the expert opinion of the HODs of Gandhi Hospital referred above, it can be inferred that there is delayed recovery from General Anaesthesia and the patient/complainant's wife became hypoxic and intubated and shifted to Wellness Hospital/O.P.No.6, Ameerpet for mechanical ventilator support, as it was no such emergency critical care was available in O.P.No.1 Hospital.

The fact that there is no mechanical ventilator at O.P.No.1 Hospital is evident from the answer given by O.P.No.5 to the Questionnaire, sent by HOD of Anaesthesia, Gandhi Hospital @ Page No.74 under Ex.A-20 dt.10/2/2022, wherein it is mentioned that the

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patient was transported to Wellness Hospital/O.P.No.6 with Bain's Circuit by self-assisting ventilation, inferring mechanical ventilator was not available when the patient was shifted in an emergency to O.P.No.6 Hospital where the patient was connected to ventilator. It is also evident from the statement of O.P.No.5 @ Page 52 Ex. B-13 that the patient suddenly became hypoxic and was not responding to deep painful stimulus and that she was re-intubated and had to be shifted to another hospital for further management, which clearly establishes that the surgery was conducted without anticipating and ensuring post-operative critical care facility in O.P.No.1 Hospital. Further, it is answered by O.P.No.5 that the time and duration from O.P.No.1 Hospital to O.P.No.6 Hospital is 30 minutes and they reached O.P.No.6 Hospital at 5 pm whereas the time of admission at O.P.No.6 Hospital is mentioned as 17.47 hours.



Further, it is evident from the Doctor's notes of O.P.No.4/Surgeon at 3:00 pm on the fateful day of 15/8/2021 that the patient/complainant's wife was intubated due to hypoxia and discussed with the family of the patient regarding need for mechanical ventilator support and hence the patient is shifted to Higher Centre for further management.

It is abundantly clear from the above facts and statements of O.P.No.4 & 5 that without availability of a mechanical ventilator and ICU infrastructure in O.P.No.1 Hospital, which are necessarily required for post-operative complications and emergencies, O.P.No.3 to 5 conducted the laparoscopic Hysterectomy Surgery of the patient/Complainant's wife and when the patient developed hypoxia post-operation, the Opposite Parties failed to provide ventilation support and had to shift the patient to O.P.No.6 hospital with Bain's circuit self assisting ventilator, and the transit took more than 30 minutes at the time of Golden Hour of critical condition of the patient, resulting in cardio-pulmonary complications and ultimately leading to the patient's demise. The

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Opposite Parties No.3 to 5 ought not have conducted a major surgery like Hysterectomy under general anaesthesia without ensuring that such life-saving facilities were available in O.P.No.1 Hospital.

Secondly, it is evident from the Expert Committee Report filed under Ex.A-14 that O.P.No.1 Hospital is not equipped with ambulance services and there was neither a ramp nor lift sufficient to move the patient in a stretcher. It is pertinent to mention that the time of post-operative complication hypoxia is mentioned as 2:20 pm (in the answers given by O.P.No.5 under Ex.A-19) and as there is no ambulance service with O.P.No.1 Hospital, after arrival of the ambulance (as mentioned in Ex.A-19), the patient/complainant's wife in a critical condition, was shifted from O.P.No.1 Hospital to O.P.No.6 Hospital in an ambulance with Bain's circuit self-assisting ventilator, reaching O.P.No.6 Hospital around 5.30 pm, with almost three hours delay in providing life saving ventilator support to the patient/complainant's wife who developed hypoxia after laparoscopic Hysterectomy done by O.P.No.3 to 5 in O.P.No.1 Hospital, without availability of a mechanical ventilator, ICU infrastructure and ambulance service.

From the above findings, this is a case where the maxim '*res ipsa loquitur*' is applicable in full strength and it leads to the irresistible conclusion that on all accounts, negligence & deficiency in service is quite apparent and writ large on the part of the Opposite Parties No.1 to 5 for conducting a major surgery like Laparoscopic Hysterectomy surgery (for 4 hours 15 minutes under general anaesthesia with a duration of 3 hours 15 minutes as per the answers of O.P.No.5 in Ex.A-19) without taking due care and caution to ensure that critical life-saving equipment like the ventilator were available in case of post-operative complications, which can occur following such a long duration major surgery. As per the Doctor's Notes of O.P.No.6 Hospital filed under Ex.B-5, the patient/complainant's wife was immediately

put on ventilator support in the O.P.No.6 hospital and was treated with necessary medication including analgesics, antibiotics, multivitamins etc but the patient developed bradycardia and could not be revived despite giving atropine and adrenaline injection and continuous CPR for 30 minutes and that the patient was declared dead around 2:00 am on 16/8/2021. As such, there is no cogent evidence to establish negligence/deficiency in service on the part of O.P.No.6. In view of the above findings, this point is answered in favour of the complainant and against O.P.No.1 to 5.



6. The complainant has lost his wife and the two kids of the patient have lost their mother, which is an irreparable loss. It is evident from the whatsapp messages filed by the Opposite Parties under Ex.B-8 that the complainant's wife was eking out their livelihood within the meagre earnings of her job at O.P.No.1 Hospital, which goes to show that her family has been deprived of her income due to the untimely death owing to the negligence/deficiency of service on the part of the Opposite Parties. Hence, this Commission is of the considered opinion that the complainant and his two children are entitled for reasonable compensation and the Opposite Parties No.1 to 5 are jointly and severally liable to pay the same to the complainant and his two children.
7. In the result, the complaint is allowed in part and the Opposite Parties No.1 to 5 are directed
 - i) to pay an amount of Rs.10,00,000/- (Rupees Ten Lakhs only) to the complainant and his two children;
 - ii) to pay Rs.50,000/- towards legal expenses.
 - iii) The complaint is dismissed against O.P.No.6.

This order be complied with by the Opposite Parties No.1, 2, 3, 4 & 5, within 45 days from the date of receipt of the order, failing which the amounts at Sr.No.(i) above shall carry interest @6% per annum from the date of this order till actual payment.

Dictated to steno, transcribed and typed by her, pronounced by us on this the 17th day of April, 2025.


MEMBER


PRESIDENT
17/4

APPENDIX OF EVIDENCEWITNESS EXAMINED FOR THE COMPLAINANT:

L. Ravi Kumar (PW 1)

WITNESS EXAMINED FOR THE OPPOSITE PARTIES:

Mr. Sudheer Reddy

EXHIBITS FILED ON BEHALF OF THE COMPLAINANT:

- Ex.A1: Copies of the photographs of the victim being carried in a blanket and being treated on the floor in the Op No.1 clinic in the presence of Op's No. 3 to 5 doctors dated 15.08.2021.
- Ex.A2: Copy of the death report issued by the Op No.6 hospital dated 16.08.2021.
- Ex.A3: Copy of death certificate of the victim dated 20.01.2022.
- Ex.A4: Copy of the surgical check-up report of the victim dated 14.08.2021 which denotes significant ST changes.
- Ex.A5: Copy of the certificate of registration of OP No.1 hospital obtained by Op No.2 dated 03.01.2022 issued by the District Health and Medical Officer.
- Ex.A6: Copy of the certificate of registration obtained by OP No.2 for a different branch of OP No.1 dated 08.01.2021.
- Ex.A7: Copy of the legal notice issued on behalf of the complainant dated 04.01.2022.
- Ex.A8: Copy of the police complaint filed by the complainant dated 08.10.2021.
- Ex.A9: Copy of the acknowledgement from Gopalpuram PS dated 21.01.2022.
- Ex.A10: Copy of the letter dated 13.10.2021 filed by the complainant with the District Medical and Health Officer, Hyderabad District.
- Ex.A11: Copy of the letter dated 26.10.2021 issued by SHO Gopalpuram PS to District Health and Medical Officer.
- Ex.A12: Copy of the notice dated 30.10.2021 issued by District Health and Medical Officer.
- Ex.A13: Copy of the letters sent by OP Nos. 3 to 5 along with their State Medical council registrations and their respective degree certificates dated 17.11.2021.
- Ex.A14: Copy of the enquiry report submitted to the DM&HO dated 18.12.2021.
- Ex.A15: Copy of the letter dated 03.01.2022 addressed by the complainant to District Collector, Hyderabad District.
- Ex.A16: Copy of the letter dated 29.12.2021 issued by the District Medical Health Officer to Superintendent, Gandhi Hospital.
- Ex.A17: Copy of the letters dated 19.01.2022 along with the report of Department of Gynecology.
- Ex.A18: Copy of the letter dated 21.01.2022 requesting opinion from anaesthetist.
- Ex.A19: Copy of the letter dated 02.02.2022 along with the report.
- Ex.A20: Copy of the letter dated 10.02.2022 along with the duly filled in questionnaire dated 08.08.2022.
- Ex.A21: Copy of the letter and the report dated 21.02.2022.
- Ex.A22: Copy of the letter dated 05.03.2022 addressed by District Medical and Health Officer to Superintendent, Gandhi Hospital.
- Ex.A23: Copy of the expert report dated 25.03.2022 by HOD, Department of Neurologist.
- Ex.A24: Copy of the letter dated 09.03.2022 and 08.04.2022 sent by District Health and Medical Officer to SHO, Gopalpuram PS.

- Ex.A25: Copy of Writ Affidavit filed in W.P.No. 37005 of 2022 filed by the complainant before the Hon'ble High Court of Telangana.
 Ex.A26: Copy of the order dated 21.02.2023 passed by the Hon'ble High Court in W.P.No.37005 of 2022.
 Ex.A27: Copy of the medical bills incurred by the complainant to treat himself post the victim's death.



EXHIBITS FILED ON BEHALF OF THE OPPOSITE PARTIES:

- Ex.B1: Copy of consent form of the complainant and his wife dated 15.08.2021.
 Ex.B2: Copy of ECG report of wife of the complainant dated 14.08.2021.
 Ex.B3: copy of 2D Echo report of wife of the complainant dated 14.08.2021.
 Ex.B4: Copy of case sheet of opposite party No.1 dated 15.08.2021.
 Ex.B5: Copy of case sheet of opposite party No.6 dated 16.08.2021.
 Ex.B6: Copy of invoice of ventilator dated 08.08.2020.
 Ex.B7: Copy of Gandhi Hospital expert opinion, conclusion "NO MEDICAL NEGLIGENCE" Dated 22.09.2022.
 Ex.B8: Copy of whatsapp message by the deceased to opposite party No.2 dated 27.08.2020.

[Signature]
MEMBER

[Signature]
PRESIDENT
17/4

GOVERNMENT OF TELANGANA
 District Consumer Disputes
 Redressal Commission-1, Hyderabad
 Order Pronounced on: 17/04/2025
 Order Made Ready on: 29/04/2025
 Order Delivered to the Complainant on: 01/05/2025
 Order Delivered to the Opposite Party on: 21/05/2025

DISPO-587
 DT: 30/04/2025

[Signature]
SUPERINTENDENT 29/04/25

