**BEFORE THE HON’BLE NATIONAL/ STATE/ DISTRICT CONSUMER**

**DISPUTES REDRESSAL COMMISSION AT KOTTAYAM**

**IN RE: COMPLAINT No..................of 20.....**

**IN THE MATTER OF:**

Satheesan P.S.

Sree Nilayam,

Muhamma P.O.

Alappuzah - 688525 ………. Complainant

Vs

Dr. M.A. Thomas,

Department – Ortho 1,

Govt. Medical College,

Gandhi Nagar, Kottayam ……….Opposite Party

**COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT**

**RESPECTFULLY SHOWETH:**

1. The complainant is Satheesan P.S., residing in Sree Nilayam, Muhamma P.O. Alappuzah - 688525.
2. The opposite party is Dr. M.A. Thomas, Department – Ortho 1, Govt. Medical College. The hospital is located in Gandhi Nagar, Kottayam.
3. The complainant met with a bike accident in 2005 and underwent treatment at Medical College Hospital, Alappuzha for a fracture in the upper portion of the hip disk of the right leg.
4. Due to increased pain from a worn-out hip disk, the complainant consulted Dr. M.A. Thomas at the Medical College Hospital, Kottayam.
5. On the suggestion of Dr. M.A. Thomas, the complainant got admitted to the Medical College Hospital, Kottayam for hip disk replacement surgery on 2nd May, 2016. The complainant was informed that the steel disk used for replacement would cost around Rs. 90,000/-.
6. The complainant underwent the first surgery on 10th May, 2016 and was discharged on 21st May, 2016 with advice for monthly review.
7. During a follow-up, Dr. M.A. Thomas informed the complainant that the surgery had failed as the disk moved up by breaking a bone.
8. The complainant underwent a second urgent surgery on 1st July, 2016 and was discharged on 13th July 2016.
9. On 4th August 2016, the doctor noted a slight improvement but advised physiotherapy due to the complainant's difficulty in standing.
10. On 29th August, 2016, due to unbearable pain, the complainant consulted the doctor again and was informed of a slight deviation in the disk's position.
11. On 6th October, 2016, Dr. M.A. Thomas informed the complainant that the second surgery had also failed, with the disk slipping from its position and moving upward, resulting in the shortening of the complainant's leg by 3 cm.
12. The doctor suggested a third surgery involving bone grafting from the left leg, which the complainant could not immediately undergo due to financial constraints.
13. The complainant then consulted Dr. Sabin Viswanathan at Specialist Hospital, Ernakulam, and underwent another surgery on 9th November, 2016, where the disk was screwed. The complainant was discharged on 14th November, 2016, after which he became able to walk.
14. The repeated failures of surgeries at Medical College Hospital, Kottayam, and the subsequent successful treatment at Specialist Hospital, Ernakulam, indicate negligence on the part of the opposite parties.

**CAUSE OF ACTION:** The cause of action arose on 6-10-2016, when it was confirmed that both surgeries performed by the opposite parties had failed, causing further complications and necessitating treatment elsewhere.

**TERRITORIAL JURISDICTION:**  The complainant and the opposite party both reside within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint.

**PECUNIARY JURISDICTION:** The total consideration amount paid in purchasing the hotel booking is less than Rs. 50 lakhs. Hence this hon'ble commission has jurisdiction to entertain this complaint.

**LIMITATION:** That the present complaint is being filed within the period prescribed under section 69 of the Act, 2019.

**COURT FEE:** Requisite Court fee as contemplated is paid on this Complaint.

**EVIDENCE:**

1. Medical records from Medical College Hospital, Alappuzha (Ex. A1)
2. Admission and discharge summary from Medical College Hospital, Kottayam for the first surgery ( Ex. A2)
3. Admission and discharge summary from Medical College Hospital, Kottayam for the second surgery (Ex. A.3)
4. Medical records from Specialist Hospital, Ernakulam (Ex. A.4)
5. Bills and receipts of expenses incurred for all treatments (Ex. A.5).

**PRAYER:**

In light of the facts mentioned above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

i) Direct the opposite party to reimburse all medical expenses incurred by the complainant for treatments at Medical College Hospital, Kottayam, and subsequent corrective surgery at Specialist Hospital, Ernakulam.

ii) Direct the opposite party to pay compensation of Rs. 50,000.

iii) Pass such other orders as deemed fit in the interests of justice.

**VERIFICATION:**

I, Satheesan P.S., resident of Sree Nilayam, Muhamma P.O. Alappuzah - 688525 hereby declare that I have not misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

**Name & signature of the complainant**