BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, KARNATAKA, AT HASSAN

Consumer Complaint No. \_\_\_\_\_\_of 20

Mrs.Bhavya S.S

W/o Nagendra, Age 32 years,

Residing at Jayanagara Extension,

Salagame Road, Hassan. ....COMPLAINANT

V/s

The Director/Manager

Janapriya 3D/4D Ultra Sound Scan Centre

Shankar Mutt Road, 2nd Cross,

Opposite Ayappa Swamay Temple,

K.R Puram, Hassan .... OPPOSITE PARTY

**COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019**

1. The address of the Complainant for the purpose of service of summons, notice etc is as shown in the cause title above and that of his counsel
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. Herein the above-named Complainant most respectfully submits as under,
4. The Complainant respectfully submits that she underwent a Chest C.T Scan at the Opposite party’s scanning centre on 21/04/2015, on the advice of Dr K.R Shareef at CSI REDFERN MEMORIAL HOSPITAL as she had been suffering from fever, headache, nausea, and puffiness for more than 3 days. The complainant paid Rs 3,600 for the scan and Rs 1,800 for the venous Doppler.
5. That in the scanning centre, the Complainant was given an injection by an unskilled person before her scan. This injection caused the Complainant to get thrombolysed, and she suffered from acute IWMI changes, mild LV dysfunction, single-vessel coronary artery disease, and spontaneous dissection of RCA.
6. That after the Complainant developed these conditions, she was immediately referred to Apollo Hospital on the advice of Dr Sharif, where she had to spend a huge sum of Rs 1,03,071 towards treatment and Rs 50,000 for transportation and food for the period of treatment from 21/04/2015 to 26/04/2015.
7. That the Complainant’s medical condition caused her a loss of Rs 15,00,000 (including the compensation for deficiency of service) from the Opposite Party.
8. That the Complainant was in good health and had only been suffering from pedal edema for 5 years prior to the scan.
9. That the Complainant issued a legal notice dated 01/08/2015 and received a reply from the Opposite Party on 20/08/2015 denying her claims. Hence, he has been forced to approach this Commission.
10. That the Opposite Party is liable for medical negligence, deficiency in service which has resulted in financial loss, harassment and mental agony.

IV. **Cause of Action**;

1. The Cause of action arose on 21-04-2015 when the Complainant visited the scanning centre and underwent the C.T scan.

V. **Limitation Period**

1. That the present complaint is being filed within a period of two years from the date of cause of action, as prescribed under Section 69 of the Consumer Protection Act, 2019.

VI. **Jurisdiction:**

1. On territorial jurisdiction, it is submitted that the complainant and the Opposite Party reside within the jurisdiction of this Hon'ble Court and hence this Honourable Court possesses jurisdiction.
2. On pecuniary jurisdiction, it is submitted that the consideration amount is less than Rs. 50,00,000/-
3. Hence this Hon'ble Court possesses jurisdiction to try and entertain this complaint

VII. **Court Fees:**

1. In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the impugned service is less than Rs 5 lakhs and the stipulated three copies of the complaint have been submitted.

VIII. **Prayer**

It is therefore most humbly prayed that setting all the contentions of the Opponents if any an order may kindly be passed against the Opponents in the following terms,

1. Direct the Opposite Party to refund the amount of R 1,03,071/- for the cost of the treatment at Manipal Hospital from 21/04/2015 to 26/04/2015.
2. Direct the Opposite Party to refund 50,000 for transportation and food costs incurred at Manipal Hospital.
3. Direct the Opposite Party to refund Rs 5,400 for the cost of the C.T scan and venous Doppler.
4. Direct the Opposite Parties to pay Rs. 13,41,529/- as compensation for medical negligence, financial loss, harassment, mental agony, expenses and deficiency in service.
5. Pass any other order as deemed fit in the interest of justice, equity, and good conscience.

HASSAN

Date Advocate for Complainant

**Verification**

Herein I, Mrs Bhavya S.S, do hereby state on the solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular, and the same is found to be true and correct to the best of my knowledge, belief, and information.

**HASSAN**

**Date Complainant**