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

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

Mr Yuvaraja H.S,

S/o Shivanna H.M, Aged 21 years,

Residing at # 59, Masjid Road,

Chikkanalu, Srikantanagar,

Hassan - 573 201 ....COMPLAINANT

V/s

The Management,

Janatha Hospital and Research Centre

R.C Road, Hassan - 573 201 …OPPOSITE PARTY No.1

AND

Dr. Eshwar Prasad

Janatha Hospital and Research Centre

R.C Road, Hassan - 573 201 ....OPPOSITE PARTY No. 2

**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 on 11/05/2020, he took his mother to Opposite Party No.1’s hospital after she complained about pain in her abdomen.
5. That the Complainant’s mother was diagnosed in the hospital by Opposite Party No.2 and he recommended that his mother undergo Gall bladder and Uterus surgery on the next day - 12/05/2020 at 7:00 PM.
6. That the Complainant suffered intense agony, shock and outrage when he was informed that my mother had passed away due to the failure of the surgery.
7. That the Complainant is inconsolable as the surgeon did not take the minimum required care and skill during the surgery, resulting in his mother’s death.
8. 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 12-05-2020 when the Complainant underwent surgery at Janatha Hospital and Research Centre

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 pay compensation of Rs 10,00,000 for the loss of life of the Complainant’s mother
2. Direct the Opposite Party to pay compensation of Rs 5,00,000 for the pain and agony caused by the death of the Complainant’s mother
3. Direct the Opposite Parties to pay Rs. 4,00,000/- as compensation for medical negligence, financial loss, harassment, mental agony, expenses and deficiency in service.
4. Pass any other order as deemed fit in the interest of justice, equity, and good conscience.

HASSAN

Date Advocate for Complainant

**Verification**

Herein I, Mr Yuvaraju H.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**