BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT THANE

IN RE: COMPLAINT No. CC-272/2011

IN THE MATTER OF:

Mr. Yogesh Ramkumar Pal

Aged 19 years, Male

Residence: Shri Ram Nagar, Lahan Mhasoba Maidan Chawl No.1, Room no.7, In front of Ganesh Niwas, Kalyan (West), District Thane

Mr. Ramkumar Sundar Pal

Aged 45 years, Male

Residence: Shri Ram Nagar, Lahan Mhasoba Maidan Chawl No.1, Room no.7, In front of Ganesh Niwas, Kalyan (West), District Thane

.....COMPLAINANTS

Vs.

Shree Hospital (Godbole Hospital)

Through Dr. Sanjay Godbole, Owner/Proprietor

Shree (Godbole) Hospital, Shree Ganesh Baug, Murbad Road, Kalyan (W), District Thane 421 301

Dr. Vivek Malvi

Consulting Incharge, Shree (Godbole) Hospital

Shree (Godbole) Hospital, Shree Ganesh Baug, Murbad Road, Kalyan (W), District Thane 421 301

…..OPPOSITE PARTY(S)

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The complainants, Mr. Yogesh Ramkumar Pal, aged 19 years, and his father Mr. Ramkumar Sundar Pal, aged 45 years, are residents of Kalyan (West), District Thane. The complainants are filing the present consumer complaint against Shree Hospital, Dr. Vivek Malvi for medical negligence, deficiency in service and unfair trade practices.
2. The Opposite Party No. 1, Shree Hospital, is a private hospital located at Shree Ganesh Baug, Murbad Road, Kalyan (W), District Thane, and run by its owner Dr. Sanjay Godbole. Opposite Party No. 2, Dr. Vivek Malvi, was the Consulting Incharge at Shree Hospital during the relevant period.

TRANSACTION:

1. On 22/10/2020, the complainant Mr. Yogesh Ramkumar Pal met with a bike accident and suffered an injury to his right knee. He was taken to Shree Hospital by his father and admitted as an inpatient the same evening around 5 pm.
2. Dr. Vivek Malvi, Consulting Incharge of the hospital, examined the complainant and diagnosed a tibial condyle fracture. The doctor performed aspiration of the knee joint and applied a plaster cast on the complainant's right leg around 9pm on 22/10/2020.
3. The complainant paid Rs. 15,000/- as hospital bills for the treatment and was discharged from Shree Hospital on 23/10/2020 around 9am.

NATURE OF COMPLAINT:

1. There was gross medical negligence and deficiency in service by Opposite Party No. 1 Shree Hospital and Opposite Party No. 2 Dr. Vivek Malvi in the treatment provided to the complainant Mr. Yogesh Ramkumar Pal. This caused grave injury, trauma, and permanent disability to the complainant.
2. On 25/10/2020, the complainant had no sensation in his right leg and was unable to walk. He was again admitted to Shree Hospital around 10am. However, he was kept waiting without any treatment or examination by doctors till 5pm when Dr. Prafulla saw him and referred him immediately to KEM Hospital Mumbai for further management.
3. Due to the delay in treatment and tight application of plaster cast at Shree Hospital which blocked blood circulation, the complainant's right leg had to be amputated on 29/10/2020 at KEM Hospital. The complainant underwent immense pain and suffering apart from permanent disability due to the medical negligence of Opposite Parties No. 1 and 2.

RECTIFICATION:

1. The complainant and his father approached the Opposite Parties requesting explanation and compensation for the medical negligence. However, the Opposite Parties did not provide any reasonable response or resolution.
2. Left with no other option, the complainant is approaching this Hon'ble Commission seeking justice and compensation of Rs. 18,00,000 along with costs for the physical, mental, and economic loss suffered by him due to negligence and unfair trade practices by the Opposite Parties.

CAUSE OF ACTION:

1. The above acts of negligence, deficiency in service and unfair/restrictive trade practices by the Opposite Parties give rise to the cause of action for the Complainants to approach this Hon'ble Commission.

EVIDENCES:

Medical records from Shree Hospital dated 22-23/10/2020 showing initial treatment and discharge.

Medical records from KEM Hospital dated 25/10/2020 onwards showing the condition on admission, surgeries performed and diagnosis of medical negligence on the part of Shree Hospital.

Bills/Receipts of treatment charges paid to Shree Hospital.

Disability certificate and medical reports showing permanent disability suffered by the complainant.

Any other documentary evidence that may be required during the course of hearings.

Testimony of the complainant Mr. Yogesh Ramkumar Pal, and his father, Mr. Ramkumar Sundar Pal, regarding the sequence of events and suffering faced by them.

TERRITORIAL JURISDICTION:

The complainant and respondent reside within the jurisdiction of this Hon'ble Commission. Hence, this Hon'ble Commission has jurisdiction to try and entertain this complaint.

PECUNIARY JURISDICTION:

As the amount of consideration is below Rs 50 lakhs, this Hon'ble Commission has jurisdiction to entertain this complaint.

LIMITATION:

The present complaint is filed within the period prescribed under Section 69 of the Consumer Protection Act, 2019.

COURT FEE:  
The requisite court fee has been calculated and affixed as per the Schedule of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

PRAYER:

It is therefore prayed that this Hon'ble Commission may be pleased to:

a) Allow the complaint and hold the Opposite Parties guilty of negligence, unfair trade practice and deficiency in service.

b) Award compensation of Rs. 18,00,000/- along with costs and interest to the complainant.

c) Pass any other order that the Hon'ble Commission deems fit in the interest of justice.

PLACE: Thane

DATED:

(Mr. Yogesh Ramkumar Pal)

Complainant

VERIFICATION:

I, Mr. Yogesh Ramkumar Pal, hereby declare that the facts stated above are true and correct to the best of my knowledge. Nothing material has been concealed.