DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,

COMBINED COURT BUILDINGS, SALEM.

COMPLAINT No. \_\_\_\_\_\_\_\_of 2023

IN THE MATTER OF:

S.Ramani,

S/o Sakthivel,

Thindamangalam,

Veppamarathur,

Panangattur Post,

Omalur, Salem District. …Complainant

-Versus-

1. Salem Polyclinic,

Rep. by its authorized representative,

250, Omalur Road,

Salem-7

2. Dr.Rashmi Rao,

Salem Polyclinic,

250, Omalur Road,

Salem-7…………………Opposite parties

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

MOST RESPECTFULLY SHOWETH:

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 S.Ramani s/o Sakthivel is a resident of Thindamangalam, Veppamarathur, Panangattur Post, Omalur, Salem District.
5. The opposite party 1. is the hospital, Salem Polyclinic, situated at 250, Omalur Road, Salem-7
6. The opposite party 2, is a doctor working at hospital, opposite party 1, Salem Polyclinic, 250, Omalur Road, Salem-7
7. It is stated that the complainant's husband is a driver and they already had two children namely a girl child born on 08.02.2014 and a boy child born on 29.10.2015 and both the children were born in the 1st opposite party hospital.
8. It was stated that since the complainant missed her menses from March 2018, she approached the 1st opposite party on 08.05.2018 and on examining her, the 2nd opposite party had stated that the complainant was pregnant.
9. It is stated that when the complainant had asked the 2nd opposite party whether sterilization can be done for her, the 2nd opposite party had informed her that on performing sterilization for her, there was no possibility of getting pregnant and if she

was interested in performing sterilization, she can approach the 1st opposite party hospital and get admitted as a patient.

1. It is stated that on the assurance given by the 2nd opposite party, she believed that she could raise her two children in a better way. It was stated that on the same day, the sterilization was done for the complainant and was discharged on 16.05.2018.
2. The complainant was assured by the 2nd opposite party on discharge that the sterilization process was done perfectly and there was no possibility of getting pregnant in future.
3. It is stated that the complainant had paid on the same date a sum of Rs.6700/- towards medical expenses for the opposite parties. It was stated that since the 2nd opposite party had assured that there was no possibility of getting pregnant, she led her life normally and comfortably without any fear.
4. But the happiness was short lived and within 5 to 6 months of the operation, The complainant missed her menses.
5. It is stated that on 22.12.2018 the complainant informed the 2nd opposite party in the 1st opposite party hospital and on examination by the 2nd opposite party, it was found that the complainant was once again pregnant and it gave shock to the complainant.
6. It is stated that the 2nd opposite party had not given any proper reply and was interested to send out the complainant from the hospital. It had caused severe mental agony for the complainant.
7. It is stated that due to the negligent act of the 2nd opposite party by performing negligent surgery, the complainant had once again become pregnant. It was stated that when the 2nd opposite party was asked by the complainant’s husband, the 2nd opposite party assured that once again termination of pregnancy and sterilization would be done for the complainant.
8. It is stated that because of the act of the 2nd opposite party, the complainant was put to

severe mental hardship wherein she was already maintaining two children and now she

was carrying the third child with great mental agony and difficulty.

1. It is stated that in the circumstance, where the complainant was living her life uncomfortably, the negligent medical treatment of the opposite parties had caused severe hardship for the complainant.
2. It is stated that if the 2nd opposite party had acted with diligent and with sufficient medical knowledge and had conducted the surgery properly she would not have got pregnant and since the 2nd opposite party had not done her duty with sufficient and required diligence and due to her act of the negligence, the complainant

become pregnant.

**CAUSE OF ACTION:** cause of action arose on 22/12/2018 when medical negligence and deficiency of service was detected after I became pregnant again post surgery.

**JURISDICTION**: The Hon’ble District Consumer Disputes Redressal Commission at Salem has pecuniary as well as territorial jurisdiction to conduct an inquiry and adjudicate the present dispute. Since the Complainant and the Opposite Party are both based in Salem, the Commission has territorial jurisdiction to deal with the same. Further, the consideration is within the pecuniary limit established under the Consumer Protection Act, 2019.

**EVIDENCE:**

I have attached the following documents as evidence:

1. Copy of ultrasound report dated 08/05/2018 - Exhibit A1
2. Copy of my laboratory report dated 08/05/2018 - Exhibit A2
3. Copy of discharge summary dated 16/05/2018 - Exhibit A3
4. Copy of my laboratory report dated 15/05/2018 - Exhibit A4
5. Copy of histopathology report dated 26/05/2018 - Exhibit A5
6. Copy of hospital bill paid on 16/05/2018 for Rs. 6,700 - Exhibit A6
7. Copy of ultrasound report dated 22/12/2018 - Exhibit A7

**COURT FEE:** The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

**PRAYER:**

In light of the above, I request the Hon'ble Forum to direct Dr. Rashmi Rao and Salem Polyclinic to:

1. Pay me compensation of Rs. 5,00,000 for deficiency in service, mental agony and hardship caused.
2. Pay me compensation of Rs. 2,00,000 for failure of the sterilization procedure.
3. Award costs for the complaint.

I sincerely hope the Hon'ble Forum will take cognizance of this complaint and provide justice.

Thanking you,

PLACE: Salem, Tamil Nadu  
DATED: SIGNATURE OF THE COMPLAINANT

**VERIFICATION:-**

I, S.Ramani, s/o Sakthivel, Thindamangalam,Veppamarathur, Panangattur Post, Omalur, Salem District, do hereby solemnly affirm that the facts stated above in paras 1 to 16 are true to the best of my knowl­edge and based on the records maintained by me, which I believe to be true.

Verified at, on this \_ day of \_\_\_

**ANNEXURE OF EVIDENCE**