**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION NO.0I VISAKHAPATNAM: AP**

**CONSUMER COMPLAINT NO. /2022**

**IN THE MATTER OF:**

1. Chandaka Govinda

s/o Atchi Babu, aged 18 years,

Tegada Village, Kasimkota Mandal,

Visakhapatnam

… **COMPLAINANT**

**AND**

1. Usha Prime Multi Speciality Hospital,

A division of Chilukuri HealthCare Pvt.Ltd.,

rep. by the General Manager

Anakapalli, Visakhapatnam

1. Dr. K. Raja Sagar,

MLC Consultant,

Usha Prime Multi Speciality Hospital,

Anakapalli, Visakhapatnam

… **OPPOSITE PARTIES**

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

**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.
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. The complainant submits that on 06/05/2019, the complainant met with an accident while traveling by an auto bearing No.AP 31 TW 5381 from Tadapalem to Bayyavaram at about 10:45 a.m at that time a lorry bearing No. MH06 BP 0770 came in the same direction and dashed the rear portion of the auto in which the complainant was traveling whereby, the auto turned turtle in which the complainant received “Post-operative fracture left femur UTI with retention” and multiple injuries throughout his body and got admitted in the 1st opposite party hospital through Usha Prime Ambulance on the same day i.e., 06/05/2019.
4. The complainant further submits that Rs.79,000 was incurred towards medical expenditure, hospitalization, doctor charges,etc and the hospital authorities issued wound certificate as “Simple in nature” instead of “Grievous in nature”, inspite the injury mentioned as “Post-operative fracture left femur UTI with Retention'' in emergency admission certificate, which is nothing but a deficiency in service on part of the 2nd opposite party.
5. Thus, the complainant issued a legal notice dated 23/07/2019 and the opposite parties instead of complying with the terms of the notice issued reply notice dated 30/07/2019 and hence approached this commission for rendition of justice.
6. **CAUSE OF ACTION**: The cause of action in the present case when the opposite parties have not replied to the notice dated 23/07/2019 and has issued notice dated 30/07/2019.
7. **JURISDICTION**: The consideration amount of the dispute is less than Rs. 50 lakhs and the complainant resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has jurisdiction to try and entertain this complaint.
8. **LIMITATION**: That the present complaint is being filed within the period of limitation as prescribed under section 69 of the Act, 2019.
9. **COURT FEE**: As per Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, the requisite court fee has been paid.

**EVIDENCE:**

A1- Registered Lawyer’s Notice

A2- Registered Reply Lawyer’s Notice

A3- FIR Copy

A4- Wound Certificate given by Usha Prime Multi Speciality Hospital

A5- Emergency Admission Certificate issued by Usha Prime Multi Speciality Hospital

A6- Accident Report from Motor Vehicles Inspector

A7- Bills in the name of complainant

A8- Medical advise and test reports of complainant

**PRAYER**:

The complainant therefore prays to direct the opposite party :-

i) To pay Rs. Rs.18,00,000 towards compensation and damages for the deficiency in service with an interest @9% p.a.

ii) To pay Rs.30,000/- towards mental agony, pain and suffering

iii) To pay Rs.10,000/- towards costs

iv) Such other relief or reliefs which the Honourable Forum deemed fit, just and proper in the circumstances of the case.

**PLACE**: Signature

**DATED**:

**VERIFICATION**:

I, Chandaka Govinda s/o Atchi Babu, aged 18 years, residing at Tegada Village, Kasimkota Mandal, Visakhapatnam do 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