# Legal Case Summary

Case Title: Nizam's Institute of Medical Sciences vs Prasanth S. Dhananka & Others

Citation: Civil Appeal No. 4119 of 1999 & Civil Appeal No. 3126 of 2000

Date of Judgment: 14 May 2009

Bench: Justice B.N. Agrawal, Justice Harjit Singh Bedi, Justice G.S. Singhvi

Author of Judgment: Justice Harjit Singh Bedi

## Parties Involved

Appellant: Nizam's Institute of Medical Sciences (NIMS)

Respondents: Prasanth S. Dhananka & Others

## Background / Facts of the Case

Prasanth S. Dhananka, a 20-year-old engineering student, approached NIMS in 1990 for unexplained fever and chest pain. Medical tests suggested a neurofibroma (benign tumor) in the left hemithorax. After inconclusive FNACs, an excision biopsy was recommended. He underwent surgery at NIMS on 23rd October 1990, which led to paraplegia due to complications post-surgery. The complainant and his family alleged negligence in diagnosis, lack of MRI/CT imaging, absence of a neurosurgeon, and poor post-op care. A complaint was filed with the National Consumer Disputes Redressal Commission (NCDRC) seeking compensation for gross medical negligence.

## Legal Issues Raised

1. Whether NIMS and attending doctors were negligent in diagnosing and treating the complainant.

2. Whether the lack of informed consent for complete excision surgery constituted malpractice.

3. Whether adequate pre-operative procedures (like MRI) and specialist consultations were done.

4. Whether the compensation awarded by the NCDRC was just and whether enhancement was needed.

## Judgment / Decision

The Supreme Court upheld the NCDRC’s decision that there was clear medical negligence:  
- Failure to conduct MRI/myelogram before surgery.  
- Implied, not informed, consent taken for surgery.  
- Negligence in not involving a neurosurgeon despite spinal extension signs.  
- Poor post-operative care, including failure to inform parents promptly.  
The Court held NIMS liable for all acts of its doctors (vicarious liability) and for institutional negligence.

## Final Order

Civil Appeal by NIMS dismissed.

Compensation enhanced:

• ₹8 lakhs for physiotherapy and medical care

• ₹4 lakhs for loss of future earnings

• ₹2 lakhs for pain, suffering, and pre-incurred expenses

• ₹1.5 lakhs for the complainant’s parents

• ₹25,000 as costs

Total compensation: ₹15.5 lakhs to be paid within 2 months, or 15% interest per annum to apply.

## Case Timeline

• Sep–Oct 1990: Diagnostic attempts and eventual admission to NIMS

• 23 Oct 1990: Excision surgery performed

• May 1991: Patient discharged with paraplegia

• Apr 1993: Complaint filed with NCDRC

• Feb 1999: NCDRC delivered judgment

• May 2009: Supreme Court upheld findings, enhanced compensation

## Relevant Legal Principles & Precedents

• Consumer Protection Act, 1986

• Samira Kohli v. Dr. Prabha Manchanda – informed consent

• Jacob Mathew v. State of Punjab – standards for medical negligence

• Bolam Test – professional negligence standard

## Key Takeaways

- Hospitals are vicariously liable for negligent acts of their doctors.

- Informed consent must be taken for any major surgery.

- MRI/CT and neurosurgical opinion are necessary for suspected spinal extension.

- Paraplegia caused by surgical negligence is valid ground for compensation.

- Consumer courts have full authority to adjudicate complex medical negligence claims.