

(File No.4342/4/7/2023)

Judgement & order

06-05-2026

Heard the complainant and the Deputy Director, Indira Gandhi Institute of Medical Sciences, Patna (hereinafter referred to as the "IGIMS"), are also present with records.

2. According to the complainant, his wife Usha Devi died on 23-08-2017 during the course of her medical treatment at IGIMS, Patna. The complainant orally argued that his wife was successively admitted at IGIMS, Patna for medical treatment and sufficient fund was procured for her medical treatment from the Chief Minister relief fund as well as the Prime Minister relief fund. However, Dr. Dinesh Kumar had not treated her properly. Blood transfusion was not done though required and therefore, she died due to medical negligence of the IGIMS. The complainant further argued that he has approached the First Appellate Forum and subsequently to the Consumer Forum but no relief is granted to him.

3. Heard Deputy Director of the IGIMS. According to him Usha Devi was admitted thrice ailment for treatment of Cervical Cancer with Bilateral Hydronephrosis with Metastasis . The State

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patient ~

Cancer Institute of the IGIMS had treated the ~~peasant~~ as per the protocol.

4. Perusal of the reports file by the IGIMS shows that the funds provided for medical treatment of the ~~peasant~~ ^{patient were} duly spent and remaining amount was refunded to the concerned authority.

5. After hearing the both parties, the Commission is of the considered opinion that the complaint as framed and file is not maintainable. This Commission is not the First Appellate Authority over the judgement and order of the Consumer Forum , Patna. Undisputedly the complainant had approached the District Consumer Disputes Redressal Commission, Patna ^{invoking} by ~~knocking~~ its powers under the Consumer Protection Act. His complainant was registered as Case No. 101/2022. Cognizance of the complaint was duly taken by the said Commission . The report of the Medical Board constituted by the Civil Surgeon of the district was called on ^{and} merits the said complaint was dismissed. The relevant observation of the Consumer Commission reads thus:-

“ On perusal of the record we find that the doctors who have participated in medical board have mentioned about the steps

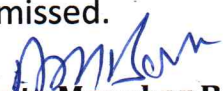
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taken by the treating doctor O.P and discussed elaborately and in the result the medical board have not found it a case of medical negligence on the part of O.P. Therefore, we do not think it a fit case in which notice can be issued against the O.P in view of the decision reported in Civil Appeal no. 3541 of 2022 passed by Hon'ble SC on 17-02-2009 in a case of Martin F. D Souz. Hence, this complaint stands dismissed without notice."

6. It is thus clear that the complaint filed by the complainant was dismissed by the Consumer Commission and this Commission is not the Appellate Authority over the said judgment. More ^{over} or when the complainant has chosen one channel for seeking redressal of his grievances then he cannot be allowed to indulge in forum hunting, particularly when the Consumer Protection Act prescribed ^{over} for appellate remedy.

7. More ^{over} or nothing is demonstrated or placed on record to demonstrate that the IGIMS had indulged in medical negligence in treating Usha Devi, who was suffering from multiple ailments including carcinoma.

8. In the result, the complaint is dismissed.


(Justice Ananta Manohar Badar, Retd.)
Chairperson