

## **“It’s in the interest of Patients that Doctors should not be dragged to the Court unnecessarily “-**

National Commission observed while dismissing the Complaint for damages of **Rs. 2.5 Crores** as it prevents Doctors from discharging their duty to a suffering person who needs their assistance utmost.

<http://cms.nic.in/ncdrcusersWeb/GetJudgement.do...>

Case: SUMAN TANEJA V/s. METRO HOSPITAL & HEART INSTITUTE & 3 ORS, decided on 02/02/2016.

### **Factual Matrix in nutshell:**

1. The Complainant, widow of deceased patient claimed damages to the tune of **Rs. 2.5 Crores** on the ground that her husband who was diagnosed as Inferior Wall Myocardial Infarction (IWMI) did not receive the emergency treatment in Golden Hours. The Doctor refused to do initial stenting initially on the ground that he was to leave for holiday & thus Doctors violated the Hippocratic Oath. The Cardiologist could not do stenting properly.
2. The National Commission, after going through the entire record and medical literature, held that there is no Medical Negligence. The primary (Percutaneous Coronary Intervention) PCI was not done due to non-availability of cardiologist, with explained consent and patient was referred to higher center. It should be borne in mind that, every cardiologist is not capable or experienced to the extent to perform PCI. The record shows the proper treatment given to the patient.
3. It further held, "Referring a patient to Higher Center is not the Medical Negligence".
4. It relied upon the landmark judgment of Supreme Court in the case of Kusum Sharma & Others Vs. Batra Hospital & Medical Research Center & Others (2010) 3 SCC 480; which held that-

**“Consumer Protection Act (CPA) should not be a "halter round the neck" of doctors to make them fearful and apprehensive of taking professional decisions at crucial moments to explore possibility of reviving patients hanging between life and death."**

“Doctors in complicated cases have to take chance even if the rate of survival is low. A doctor faced with an emergency ordinarily tries his best to redeem the patient out of his suffering. He does not gain anything by acting with negligence or by omitting to do an act,”

**This case throws light upon the increased tendency of filing false cases against Doctors. As there is no counter-liability attached or there is no need to pay any Court-fee for filing consumer complaint, frivolous cases are increasing and overshadowing genuine cases.**

**Unless & until Medicos get untied and file counter-blast cases for, damages, such cases will go on... Every time figure of damages will add "0" (zeros).**