

**“ No Cure is Not a Negligence” - National Commission observed in its recent judgment dated 10th May, 2016 thereby dismissing the complaint praying compensation of Rs.88,71,411/-.**

DR. ALANKAR LAXMAN KHANVILKAR V/s. L.H. HIRANANDANI HOSPITAL & 4 ORS.  
FIRST APPEAL NO. 1000 OF 2015

<http://cms.nic.in/ncdrcusersWeb/GetJudgement.do?method=GetJudgement&caseidin=0%2F0%2FFA%2F1000%2F2015&dtofhearing=2016-05-10>

**The Facts in nutshell:**

1. The mother of the complainant was admitted in the Hospital and after due diagnosis it was found that the stent which was placed in the common bile duct previously was blocked and infected.
2. The Stent was replaced and in due course the patient was shifted from ICU to the Ward, despite fever. However thereafter it was noticed by the complainant that the oxygen level started falling down and lastly to 83 % and then her condition became extremely critical. It was further alleged that the patient was shifted to ICU in a rash and negligent manner, doctors created false entries of treatment of suit their purpose.

**Stand of Doctors:**

The Treating doctors refuted all the allegations. The nursing notes also show 85% O<sub>2</sub> saturation and B.P. was falling. O<sub>2</sub> was administered, injection Akenil was given for the fever and patient was shifted to ICU.

**Held:**

1. After perusing the record and arguments, the National Commission upheld the dismissal of complaint. It was an emergency, the doctors performed CPR to revive the patient, but patient could not survive. It should be borne in mind that, **“No Cure is Not a Negligence”**. It is the tendency of the person to sue the doctors in such cases.
2. In the context doctor's skill and duty of care, the Hon'ble Supreme Court observed in Achutrao Haribhau Khodwa and others versus State of Maharashtra and others (1996) 2 SCC 634 as follows:

**“The skill of medical practitioners differs from doctor to doctor. The very nature of the profession is such that there may be more than one course of treatment which may be advisable for treating a patient. Courts would indeed be slow in attributing negligence on the part of a doctor if he has performed his duties to the best of his ability and with due care and caution. Medical opinion may differ with regard to the course of action to be taken by a doctor treating a patient, but as long as a doctor acts in a manner which is acceptable to the medical profession, and the Court finds that he has attended on the patient with due care skill and diligence and if the patient still does not survive or suffers a permanent ailment, it would be difficult to hold the doctor to be guilty of negligence.”**

**This judgment is indeed a sigh of relief for all the medicos. Proper treatment and proper documentation once again saved Doctors, this is the lesson to be learnt.**