

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION

DF-II

CONSUMER COMPLAINT NO. DC/AB1/44/CC/433/2022

Gurmeet Kaur

PRESENT ADDRESS - W/o Harpreet Singh, R/o House No. 668, sector 69,
MohaliCHANDIGARH,CHANDIGARH.

.....Complainant(s)

Versus

Healing Hospital and Institute of Paramedical Sciences

PRESENT ADDRESS - through Sahibjit Singh Sandhu, Chairman cum Managing Director, SCO
no. 16-19, Sector 34-A, ChandigarhCHANDIGARH,CHANDIGARH.

Dr. Sandeep Pal, Gastroenterologist,

PRESENT ADDRESS - Healing Hospital and Institute of Paramedical Sciences, SCO no. 16-19,
Sector 34-A, ChandigarhCHANDIGARH,CHANDIGARH.

Dr. J.P. Singhvi, Neuromedicine Specilist

PRESENT ADDRESS - Healing Hospital and Institute of Paramedical Sciences, SCO no. 16-19,
Sector 34-A, Chandigarh.CHANDIGARH,CHANDIGARH.

Dr. Maninder Kaur Bedi

PRESENT ADDRESS - Cosmetic & Plastic Surgeon, Healing Hospital and Institute of
Paramedical Sciences SCO no. 16-19, Sector 34-A, ChandigarhCHANDIGARH,CHANDIGARH.

.....Opposite Party(s)

BEFORE:

AMRINDER SINGH SIDHU , PRESIDENT

BRIJ MOHAN SHARMA , MEMBER

FOR THE COMPLAINANT:

FOR THE OPPOSITE PARTY:

DATED: 25/09/2025

ORDER

DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-II, U.T. CHANDIGARH

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Consumer Complaint No : 433 of 2022

Date of Institution : 17.05.2022

Gurmeet Kaur, aged 45 years, w/o Harpreet Singh, R/o House No.668, Sector 69, Mohali.

... .. Complainant

Versus

1. Healing Hospital and Institute of Paramedical Sciences through Sahibjit Singh Sandhu, Chairman cum Managing Director, SCO No.16-19, Sector 34-A, Chandigarh.
2. Dr.Sandeep Pal, Gastroenterologist, Healing Hospital and Institute of Paramedical Sciences, SCO No.16-19, Sector 34-A, Chandigarh.
3. Dr.J.P.Singhvi, Neuromedicine Specialist, Healing Hospital and Institute of Paramedical Sciences, SCO No.16-19, Sector 34-A, Chandigarh.
4. Dr.Maninder Kaur Bedi, Cosmetic & Plastic Surgeon, Healing Hospital and Institute of Paramedical Sciences, SCO No.16-19, Sector 34-A, Chandigarh.
5. The New India Assurance Co. Ltd. through its Divisional Manager/Branch Manager, SCO No.16-19, Sector 34, Chandigarh (Insurer of Healing Hospital and Institute of Paramedical Sciences vide Policy No.35350136190200000028)

Correct Address:

The New India Assurance Co. Ltd. through its Divisional Manager/Branch Manager, SCO No.36-37, Sector 17-A, Chandigarh (Insurer of Healing Hospital and Institute of Paramedical Sciences vide Policy No.35350136190200000028).

6. Oriental Insurance Company Ltd. through its Authorized Manager, 134/135, Sahu Plaza Alambagh, Lucknow, UP-226005 (Insurer of Dr.Maninder Kaur Bedi vide Policy No.221113/48/2022/5746) **(Given up vide order dated 11.05.2023).**
7. Docland Services Limited through its Authorized Manager, Corporate Office, A/154,

Sector 19, Noida 201301 (Insurer of Dr.Maninder Kaur Bedi vide Payment ID.20218954).

Correct address:

Docland Services Limited through its Authorized Manager, Corporate Office, 114, Kirti Shikhar District Centre, Janakpuri, New Delhi-110058 (Insurer of Dr.Maninder Kaur Bedi vide Payment ID.20218954) **(Given up vide order dated 12.07.2023).**

8. ICICI Lombard General Insurance through its Divisional Manager/Branch Manager, Ground and 4th Floor, Interface 11, Office Number 401 & 402, New Link Road, Malad (West), Mumbai-400064 (Insurer of Dr.Sandeep Kumar @ Dr.Sandeep Pal Vide Policy No.4021/A/234655117/00/000).

... .. Opposite Parties

BEFORE: MR.AMRINDER SINGH SIDHU, PRESIDENT

MR.B.M.SHARMA, MEMBER

Argued by: Sh.Varun Bhardwaj, Counsel for Complainant.

Sh.Munish Kapila, Counsel for OP No.1 to 4.

Ms.Mallika Dhillon, Advocate Proxy for Sh.S.S.Sidhu, Counsel for OP No.5.

OP No.6 given up vide order dated 11.05.2023.

OP No.7 given up vide order dated 12.07.2023.

Sh.Sahil Abhi, Counsel for OP No.8 (through VC) (OP No.8 ex-parte) (join the proceedings on 07.02.2025).

ORDER BY AMRINDER SINGH SIDHU, M.A.(Eng.),LLM,PRESIDENT

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1] The complainant aged 45 years and r/o Mohali, Punjab, filed the present complaint pleading that on 25.11.2020, she was admitted in OP No.1-

Healing Hospital with complaints of headache, vomiting, stomach-ache and backache and was diagnosed with gastro problem. She paid advance amount of Rs.10,000/- which is proved on record by Exb.C-1. She was treated by Dr.Sandeep Pal (OP No.2) and given medication orally and via IV, Cannula was inserted in the left hand on the consultation of Dr.J.P.Singhvi (OP No.3). Though there was minor improvement in gastro issue yet on 28.11.2020 Swelling and Pain was reported in the left hand of the complainant and Doctor told her that it was normal and would subside by time. However, by night, pain increased instead of decreasing in severity. Dressing was done and Cannula was adjusted by attending Doctors and staff. On 29.11.2020, left hand turned blue and turned numb, concern was raised immediately. Dr.Sandeep Pal and Dr.Maninder Kaur Bedi (Plastic Surgeon) took the complainant to the Operation Theatre. Family was not informed about the medical urgency of the situation. Doctors informed the complainant that gangrene had developed and surgery was required urgently to avoid amputation of arm. In the meanwhile, Doctors abandoned the surgery and referred the case to P.G.I. Chandigarh. On this, complainant and her family protested and objected to incomplete treatment and reference to P.G.I. Chandigarh on Sunday, on apprehension of non-availability of doctors there due to Sunday being holiday. Complainant was sent to P.G.I. in an ambulance with an open wound, without stitches and proper dressing of the open surgery by OPs. The condition of patient was horrible as left arm wound was visible being open cut. Family members took photos of open wound surgery cut by their mobile phones during transfer to P.G.I. On reaching the emergency ward of P.G.I., doctors there treated the complainant (patient) by removing finger nails and referred the case to Vascular Surgeon of P.G.I.

who amputated four fingers of the patient and skin grafting was done at emergency of P.G.I. Though complainant (patient) was discharged on 29.12.2020 yet she was under O.P.D. care of P.G.I. On 07.09.2021, Medical Authority, SAS Nagar, Punjab, assessed permanent disability of 85% (Locomotor). Resultantly, complainant being a house wife and left-handed, can no longer perform her basic tasks and became dependent on family and maid, further unable to write and perform banking or public documentation due to permanent loss of fingers. She suffered from not only physical pain but also mental trauma due to disfigurement of her body. The complainant alleged gross medical negligence by OP No.1 to 4 which caused permanent damage and proved life-altering of the complainant. Lastly, complainant prayed for acceptance of complaint against OP No.1 to 4 and requested for a direction to OP No.1 to 4 to pay:

- i) Rs.50,000/- for medical treatment and travel expenses;
- ii) Rs.28,26,887/- for future treatment;
- iii)Rs.2,00,000/- for future medicines;
- iv) Rs.70,00,000/- for pain and suffering;
- v) Rs.50 lacs for emotional distress;
- vi) Rs.1 lakh for legal costs.

Rs.1,51,76,887/- being total of above mentioned amounts.

2] After the service of notice of complaint upon the OP No.1 to 4, the OP

No.1 to 4 appeared before this Commission through their counsel and filed written version to the complaint taking preliminary objections that the present complaint is filed in order to harass, malign and blackmail the OP No.1 to 4 as the same is frivolous, vexatious and hence liable to be rejected. The same is misconceived, unwarranted and not maintainable against the OP No.1 to 4 as there is no negligence or deficiency in service by OP No.1 to 4. It was admitted by OP No.1 to 4 that complainant/patient Gurmeet Kaur age 45 years was admitted in Healing Hospital on 25.11.2020 at 3.24 A.M. with complaints of Vomiting, Headache and Backache. The test reports revealed that patient was suffering from infection as she had low hemoglobin, elevated TLC & CRP and low platelets. As patient was suffering from vomiting so treatment started on Intra Vascular (I.V.) Antibiotics, PPIS, Antiemetics Painkillers by insertion of Cannula on left forearm. OP No.1 to 4 monitored regularly on patient and it improved symptoms of patient and she started taking liquid diet. On 27.11.2020 swelling was observed by OP No.1 to 4 on the left hand of the patient and therefore Cannula was removed from left forearm and replaced with right forearm Cannula. Though there was mild swelling noticed by OP No.1 to 4 on the left forearm of the patient yet there was no discoloration and mild pain in it. On the night of 28.11.2020, complainant complained of pain in her left hand. There was tenderness but no cyanosis and pulses present. OP No.1 to 4 advised Tramadol and Thrombophob ointment. However, severe serious symptoms were noticed on the morning of 28.11.2020 when there was severe pain and discoloration of skin was reported. Urgently, Surgeon was called for surgery as there was swelling, bluish discoloration of skin of hand mottling, SpO2 88-90% and emergency fasciotomy was recommended. The complainant and her husband

were clearly informed about the seriousness of the condition of the patient and the risk of gangrene or amputation even after surgery. All steps were taken promptly and in accordance with standard medical protocols. The consent form for surgery was signed by the complainant herself. After shifting the complainant to operation theatre, surgery was commenced by Surgeon and noticed that patient had tense compartments of hand and forearm and muscles which turned dark in colour, superficial veins of the left hand and forearm were thrombosed, artery was not palpable and fasciotomy was performed and patient was shifted to I.C.U. Injection of Heparin was injected to the patient. On 28.11.2020 blood was transfused. Saturation was monitored and recorded at 100% on all fingers and thumb. The patient was continuously monitored round the clock by the I.C.U. team under supervision of Dr.Sandeep Pal and Dr.Bedi. On 29.11.2020, complainant/patient was reviewed and bluish discoloration was again noted on the fingers of surgical site because complainant restored in the target arteries in the affected compartment leading to pre-gangrenous changes in the left hand and forearm alongwith the risk of further complications in the form of compromised blood supply, complete occlusion, gangrene and need for amputation in case of severe compromise occurring and complainant/patient was referred to higher centre i.e. PGIMER, Chandigarh where team of plastic Surgeons are present to deal with such kind of eventuality.

Thus, OP No.1 to 4 emphasize that there was no lapse in care and that all medical actions were timely taken by OP No.1 to 4, appropriate and in line with standard clinical practices. Hence, complaint being devoid of merits should be dismissed with costs.

3] OP No.5 The New India Assurance Co. Ltd. in their written version stated that they had issued the policy to OP No.1, which is an insurance of indemnity against the legal liability established by the court of law under the provisions of Indian Law, for professional negligence, errors and omissions on the part of the insured and its employees. OP No.5 is not in a position to defend the complaint on merits, except its liability if any, to indemnify by its insured OP No.1. OP No.5 is only liable to indemnify the insured OP No.1 in the terms and conditions of the insurance policy. Lastly, OP No.5 prayed for dismissal of the complaint against it in view of the terms and conditions of the insurance policy issued to OP No.1.

4] OP No.6 Oriental Insurance Company Ltd. in their written version stated that as per the complaint the alleged medical negligence is of November and December 2020. OP No.4 was insured with OP No.6 vide policy valid from 18.01.2022 to 17.01.2023 only under Professional Indemnity Doctors Policy Schedule, as per its terms and conditions, exceptions & exclusions. There was absolutely no insurance/coverage in the year 2020, thus, the OP No.6 has been wrongly made a party to the present complaint.

Later on, in view of the statement given by the learned counsel for the complainant, the name of OP No.6 stood given up vide order dated 11.05.2023.

5] In view of the statement given by the learned counsel for the complainant, the name of OP No.7 stood given up vide order dated 12.07.2023.

6] The OP No.8 did not turn up despite service of notice, hence, it was proceeded against ex-parte vide order dated 13.04.2023.

7] Replication to the written version of OP No.1 to 4 has also been filed by the complainant controverting the assertions of OP No.1 to 4 as made in their written version.

8] Contesting parties led evidence in support of their contention.

9] We have heard the learned counsels for the parties and have gone through the entire documents on record.

10] It is observed that complainant alleged gross medical negligence committed by OP No.1 to 4 i.e. Healing Hospital and its Doctors, which resulted in the development of gangrene in her left hand after I.V. cannulation, resultantly leading to amputation of four fingers and permanent disability of 85% of hand.

11] Complainant seeks compensation of Rs.1,51,76,887/-, citing medical expenses, loss of function, emotional distress, pain and suffering on account

of gross medical negligence of OP No.1 to 4.

12] The main issue involved in the present complaint for consideration is, whether there was deficiency in service and medical negligence on the part of the OP No.1 to 4 or not?

In order to find out answer to the above mentioned issue, the following facts and circumstances of the complaint are necessary to be discussed.

13] Admittedly, OP admitted complainant in the hospital of OP No.1 for gastro issues and treated with I.V. medications, cannula was inserted in her left hand and left in place over multiple days. During her admission in hospital, her hand turned swollen, blue and numb. Emergency surgery was attempted but aborted midway, and she was referred to P.G.I. Chandigarh in the midway of surgery and referred to P.G.I. with an open wound. Photographic evidence Exb.C-3 & Exb.C-4 and discharge summary support the fact that referral occurred in a critical, unstable condition of the patient.

14] The standard protocol for I.V. cannula management requires regular monitoring for signs of extravasation, infection and vascular compromise. The failure to remove the cannula despite swelling and pain led to the progression of Compartment Syndrome and Gangrene. As the condition of the patient worsened under the hospital care and emergency measures were delayed so it not only amounts to deficiency in service but also medical negligence of the OP No.1 to 4 because complainant when admitted had no

problem of hand but gastro and her hand and arm was heal and healthy at the time of admission in the hospital. Amputation of four fingers of left hand happen due to insertion of cannula by hospital staff and thereafter developed pain and got swollen resulting in gangrene. When the patient went to hospital with heal and healthy left hand for gastro problem, Cannula was inserted by doctor/staff of hospital, latter developed pain and got swollen and got amputated due to development of gangrene while admitting in a hospital then burden of proof shifts to the hospital to prove that gangrene did not develop due to their deficiency and negligence which OP No.1 to 4 miserably failed to discharge. Further, the fact the hospital did not charge for the ambulance or remaining bills, as admitted by the complainant and not rebutted effectively, indicates implied acknowledgement of fault by OP No.1 to 4.

15] Taking into account documentary evidence including disability certificate of 85%, photographs, and R.T.I. response from P.G.I. Chandigarh substantiate the life-altering injury caused to the complainant/patient. The complainant being left handed and a homemaker, has clearly lost functionally and suffered physical as well as mental trauma which needs to be adequately compensated by OP No.1 to 4.

The learned counsel for complainant placed on record the Quotation of P&O International Pvt. Ltd. Exb.C-6 at page No.146 wherein estimate price of I-Digit Access Bionic Hand is mentioned Rs.28,26,887/-. So complainant/patient has to bear this medical expenses which should be borne by OP No.1 to 4. Hence, taking into account the totality of facts and circumstances, the present consumer complaint succeeds, the same is

accordingly partly allowed and OP No.1 to 4 are jointly and severally directed to pay lump-sum compensation of Rs.50 lacs to the complainant within 45 days from the date of receipt of certified copy of this order failing which they are liable to pay interest @ 9% per annum on it from the date of order till the date of its actual realization.

16] The pending application(s) if any, stands disposed of accordingly.

The Office is directed to send certified copy of this order to the parties, free of cost, as per Rules under The Consumer Protection Rules, 2020. After compliance file be consigned to record room.

Announced

25.09.2025

Sd/-

(AMRINDER SINGH SIDHU)

PRESIDENT

Sd/-

(B.M.SHARMA)

MEMBER

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AMRINDER SINGH SIDHU
PRESIDENT

.....
BRIJ MOHAN SHARMA

