

---

## **CASE ANALYSIS OF M/S SPRING MEADOWS HOSPITAL & ANR VS HARJOL AHLUWALIA**

---

Aditya Raj Pandey, Kurucheti Lakshmi Sai Sowmya & Jaslene Ahluwalia, Symbiosis Law School, Hyderabad

### **INTRODUCTION**

Consumer is one, who helps in running of the business in day-to-day life at the market place. He buys the goods and services offered by the sellers in market. The consumer holds a very crucial position and hence to safeguard the rights and to protect them from any kind of malpractices at the market place, The Consumer Protection act was enacted by the government of India in the year 1986. The Government or the parliament passed the bill with the primary aim of providing protection and stating several rights of the consumer. Several amendments were also made subsequently in the act but the ideology behind the act always remains the same. This act was the need of the hour at that time because the situation of consumer started becoming worse and in sometimes they may face the vulnerability period.

Initially, the consumer had to suffer from various kinds of problem due to malpractices and negligence on the part of the service provider as well. Negligence means when there is a duty to take care of someone and the person who have this duty failed to take care and hence the other person suffers from the damage which may cost his life or cause some permanent injury. Along with protecting the consumers in the market place, it's very essential to protect one person from the negligence because it is much more dangerous in nature. Therefore, to safeguard the person from any types of negligence we have several set of laws and rules which basically have the provision to grant compensation to the injured person. In this research article we will try to discuss the aspects of medical negligence and how Consumer Dispute Redressal Council grants the required compensation to the person who got injured through one landmark judgement of the year 1998. In this case, one boy who is only 12 years old got admitted in hospital for proper treatment of typhoid fever. Some days later, the nurse asked for one injection but without examine properly the dose of the injection required to the minor boy she injected it and the boy suffers from the injury which ultimately causes distress and mental instability to his parents and hence they demanded a hefty amount of compensation from the hospital as they were responsible for the injury caused for lifetime of the boy.

**FACTS**

The petition was filed by the parent of Harjol Ahluwalia on behalf of him as he was a minor at the time of accident. Harjot at that time was suffering from some severe disease and he got some early treatment at a Nursing home in Noida but unfortunately no signs of improvement was shown in his body and hence he got shifted to Spring Meadows Hospital. A senior paediatrician examined the patient and thereby declared that he had typhoid fever and hence she prescribed the medicine for the same. Later on , after some days of getting admitted a nurse name Miss Mathew demanded one injection called In Lariago for injecting intravenously to the patient. As soon as she injected the medicine, he got collapsed. Some senior doctors came over for the emergency check up where they declared that the patient suffered from cardiac arrest. Soon after this, the team of doctors stated pumping the chest and thereafter they tried manual respiration way to revive his heartbeat. Even after all these ways, there were no signs of improvement and thus doctors advised the parents to shift his child to AIIMS. At AIIMS , doctor checked him up thoroughly and told the parents that the child is still in very critical spot and even if he survived then he would not be as perfect as ordinary boy. Then after the boy got discharged from the hospital and meadows hospital offered the help to the parents that they will try their best to normalise the situation to the extent it is possible.

The parents as well as the child, both, suffered from mental distress and specially the child suffered from lifetime disability due to negligence of the hospital and hence the minor through parents demanded the compensation of around 28 lakhs from the hospital.

**ISSUES RAISED**

The issues raised by the petitioner in this case were as follows-

- (1) First issues is that whether the children's parent can demand the compensation from the hospital by stating the reason that they suffered mental disturbance.
- (2) Second issues is that, whether CDRC have has the power under section 14 of the act to order the damages in the form of compensation?
- (3) Third and the foremost important issues which was raised in this case is that, whether the parents can be considered as consumer under section 2 clause d of the act and also whether

they are eligible for getting compensation, as they were the beneficiary of the service given by the hospital.

### **CRITICAL ANALYSIS**

Negligence in general terms means when someone failed to take proper care of any other person or item. This term is also well defined in legal language as well and we have several sets of punishment for the offence of negligence. Negligence in legal terms means when there is duty to take care and someone's failed the duty and the other person suffered from the damage due to the breach. Negligence can be of many types and the most prominent among them is Medical Negligence. This is one of the dangerous type as it can cause severe harm to the person which can lead to the death as well. Therefore, for the offence of medical negligence there were very high amount of compensation paid to the victim or the beneficiaries of the same. Along with the provisions of negligence, Consumer Protection act of 1986 is also being used in this case and we can observe that the case is decided and compensation paid primarily on the provisions of COPRA<sup>1</sup>. The case of *M/s. Meadow spring Hospital v. Harjol Ahluwalia Through K.S. Ahluwalia*<sup>2</sup> is also of the nature of medical negligence and the case is also known as one of the major landmark judgement in this field of law. As soon as the complaint was filed in the CDRC against the hospital for giving compensation due to negligence on the part of hospital, the council grants the compensatory amount of Rs. 28 to 29 lakhs to the patient and the beneficiaries. The decision was further challenged in Supreme Court where the court upheld the decision of the council and hence, dismissed the plea towards the end.

The interlinking or interlocking of different laws can be seen in this case as both negligence provision as well as consumer protection act was involved. Therefore, we can say that to decide the case and that is specially of medical negligence it is one of the toughest part and also the court agrees that giving decision to such cases were so hard. We also observed from various research and analysis that, if there is any type of negligence and consumers were also involved in that transaction then the court or any other institute may decide the case on the basis of act only and hence they can award the compensation to family of the victim.

Although, this is not the only case of medical negligence where the permanent injury is caused. There were so many cases in which not only injury but also death is caused due to negligence

---

<sup>1</sup> Consumer Protection Act, 1986, No. 68, Acts of Parliament, 1986 (India)

<sup>2</sup> *M/S. Spring Meadows Hospital & Anr v. Harjol Ahluwalia Through K.S. Ahluwalia*, 1997 Civil Appeal No 7708

and the wrongdoer or the convict have to pay compensation for the loss suffered. *V. Kishan Rao vs Nikhil Super Speciality Hospital*<sup>3</sup> is the case of medical negligence in which plaintiff suffered from some kind of damage due to medical negligence. *Dr. Ambika Kumary vs State of Kerala*<sup>4</sup> is the case of medical negligence in which death is caused and hence deceased Legal representative filed the petition for getting justice in the court of law along with some sort of compensation for the loss.

Therefore we can say that, it's the most dangerous form of negligence and there were so many cases similar to the Spring Meadow Hospital case which clearly shows the rate and ratio of medical negligence takes place in our country as well as in world.

## **JUDGEMENT**

The court in this case is of the opinion that the task of taking action against the negligence of the doctors or nurse or any other associated with them is of very much difficult in nature. The use of wrong drugs or medicines of any type can result in damage to the patient and hence medical negligence took place and also the maxim, "Res Ipsa Loquitur" can be used upon the discretion of the honourable court.

Furthermore the honourable court in order to address the issue of whether the beneficiary will get the compensation or not for the loss and mental distress suffered by them, the court held that section 2 clause d of the consumer protection act of 1986 covers a wide range under the ambit of the word Consumer in it. According to the definition and provisions of the act, the consumer is not only that person who hired the service but it also covers all those persons who got benefitted from the service which they get. Therefore, the court held that the parents have the right to demand the compensation from the hospital for the mental agony they suffered. In order to address further issues, the court held that, the commission have had the right and power vested with him to hear the plea and award the compensation to the minor and parent under section 14(d)<sup>5</sup> of the act.

Hence, in last the honourable supreme court dismissed all the pleas and appeals of the petitioner with the hefty amount of INR 5000.

---

<sup>3</sup> *V. Kishan Rao vs Nikhil Super Speciality Hospital*, 2010, Civil Appeal No. 2641

<sup>4</sup> *Dr. Ambika Kumary vs State of Kerala*, 2010, WA. No. 2138

<sup>5</sup> Consumer Protection Act, 1986, Section 14(d), No. 68, Acts of Parliament, 1968 (India)

## **CONCLUSION**

Consumer protection is one of the most essential work in today's era as the fraud and other malpractices increases highly in the market place. With the same intention Consumer protection act was enacted by the government of India. Soon after enactment of the act one landmark judgement came under this act as well as under medical negligence. Negligence in the overall sense means failure in the duty to take care of the given person or any item. In this case, the same happened with a minor boy and hence his parent filed the petition demanding damages for the damage suffered both by the patient and the parent. CDRC heard the plea and ordered for the compensation of 29 lakhs 80 thousand INR. The defendant in this case further appealed in supreme court and the court upheld the decision of council and hence the plea got dismissed by the court.

Therefore towards the end as we observed in this case, both negligence laws and Consumer Protection Act have had used significantly and the council decided the matter under sections of Consumer Protection Act only. Last but not the least medical negligence is one of the harshest types as this could either cause damage for whole life or cause instant death and therefore to protect the interest of the consumer, both the negligence laws and COPRA is of utmost necessity.