

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

CONSUMER CASE NO. 1086 OF 2016

**WITH
IA/3328/2018(Condonation of delay)**

1. VARSHA MONGA
C-27, LAJPAT NAGAR-1,
NEW DELHI-110024

.....Complainant(s)

Versus

1. MAX SUPERSPECIALITY HOSPITAL & 5 ORS.
Through its Administrator/Authorized(West Block) Saket, A
Unit of Max Healthcare Institute Limited,1 Press Enclave
Road, Saket,
New Delhi-110017

2. Dr. Dinesh Singhal
Senior Consultant Surgical Gastroenterology Max Super
Speciality Hospital,Saket,
New Delhi-

3. Dr. Nitin Vashistha.
Att Consultant, surgical Gastroenterology Max Super
Speciality Hospital,Saket,
New Delhi

4. Dr. Deepika/for Dressing
(ICU/Anesthesia) Max Super Speciality Hospital, Saket,
New Delhi

5. Dr. Mamta
(ICU/Anesthesia))Anesthesia Specialist) Max Super
Speciality Hospital, Saket,
New Delhi

6. Dr. Rupa
Max Super Speciality Hospital, Saket,
New Delhi

.....Opp.Party(s)

BEFORE:

HON'BLE DR. S.M. KANTIKAR,PRESIDING MEMBER

For the Complainant : Mr. Sachin Jain, Advocate
Mr. Alok Kumar Tripathi, Advocate
Mr. Ashish Dawar, Advocate

For the Opp.Party : Mr. Arihant Jain, Advocate

Dated : 25 Nov 2019

ORDER

Heard I.A. No. 6331 of 2019 filed by the complainant seeking expert opinion in the matter. Learned counsel for the opposite parties submits that already there is a report from Delhi Medical Council (DMC) and there is no need of further expert opinion in this matter.

In my view the DMC is a professional regulatory body (PRB). it's opinion cannot be construed as an 'expert opinion'.

The I.A. No. 6331 of 2019 is allowed.

The complaint is of alleged medical negligence on the part of opposite parties. This is the case of subtotal radical gastrectomy with local resection of pancreatic head (pT4bN0M0)

On a careful perusal of the record, and on thoughtful consideration, I deem it appropriate to seek an expert medical opinion on the basis of the entire material on record as on date (i.e. as on 25.11.2019).

Accordingly, refer this matter to Director, AIIMS, New Delhi and request him to constitute a medical board of experts in the concerned specialties (surgical gastroenterology, oncology etc.) and to send the opinion in sealed cover to this Commission within eight weeks of receipt of the entire material of this case.

Learned counsel for the complainant undertakes to prepare a complete compilation of the entire material available on record as on date along with pagination and index within four weeks.

Learned counsel for the opposite parties has no objection.

The Registry is directed to provide the necessary facilitation to learned counsel for the complainant for this purpose.

The Registry is further directed to send the entire compilation to the Director, AIIMS, New Delhi by special messenger within one week of its preparation by learned counsel for the complainant, along with a copy of this Order.

The compilation so sent to the Director, AIIMS, New Delhi may be attached with the case-file by the Registry.

List on 21-04-2020 for further proceedings.

'Dasti', in addition.

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DR. S.M. KANTIKAR
PRESIDING MEMBER