

**IN THE COURT OF MUHAMMAD KALEEM SHEIKH,  
PRESIDING OFFICER / DISTRICT & SESSION JUDGE,  
DISTRICT CONSUMER COURT, FAISALABAD.**

<b>Claim No:</b>	<b>383/DCC-2008.</b>
<b>Date of Institution of Claim</b>	<b>13.11.2008.</b>
<b>Date of decision</b>	<b>19.01.2009.</b>

MUHAMMAD ADNAN RAZZAQ etc.

Vs.

FAISALABAD INTERNATIONAL HOSPITAL THROUGH It's  
CHAIRMAN etc.

CLAIM FOR RECOVERY OF DAMAGES /COMPENSATION SEVENTY

MILLIONS U/S.13, 25 OF PUNJAB CONSUMER PROTECTION ACT,2005.

**ORDER:-**

1. Succinctly, the facts of the case are that Doctor Liaqat Ali (defendant No.2) working as an Assistant Professor in Coronary Care Unit at Allied Hospital, Faisalabad prescribed the installation of Permanent Pace Maker (PPM) to Abdul-Razzaq, Father of the claimants when he was feeling unwell, weakness and was admitted at Allied Hospital, Faisalabad on 05.10.2008 as it was diagnosed by the Doctor Liaqat Ali (defendant No.2) that the said Abdul-Razzaq was suffering from Low Heart Beat Rate. Thereafter, Doctor Liaqat Ali (defendant No.2) advised the treatment of the patient by Faisalabad International Hospital, Faisalabad on 13.10.2008 when the claimants deposited Rs.120,000/- at the counter of the said hospital. The patient was taken in the Operation Theater at 03:00 P.M and his operation was carried out under local Anesthesia, which lasted four hours and twenty minutes. Doctor Liaqat Ali (defendant No.2), Doctor Jhangir and Doctor Munir came out of the Operation Theater at 07:20 P.M when the claimants were told that the operation was successful. Thereafter, the patient started vomiting and coughing but no one in the hospital attended him. Doctor Liaqat Ali (defendant No.2) also was not available when the patient was shifted to the Intensive Care Unit (ICU) of the hospital. However, the X-Ray was carried out at Doctor Liaqat's advice and he diagnosed that the lungs of the deceased had been damaged and

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there was now excess air in his chest and then Doctor Ghulam Mustafa came to see the patient in the hospital in the meanwhile. On the advice of Doctor Liaqat Ali (defendant No.2), the patient was shifted to Allied Hospital, Faisalabad as he was advised to get a Nebuliser which was not available at Faisalabad International Hospital, Faisalabad. Any how, the patient could not be shifted to the Allied Hospital, Faisalabad due to his critical condition and eventually succumbed to his injuries at 05:15 A.M. Under such circumstances, the claimants have claimed the damages in the sum of Rs.70.15 Millions as cost of medical treatment, pain and suffering, mental torture and loss of foreseeable income.

2. The defendants have vehemently opposed the claim by filing their statement of defence with the further contention that Faisalabad International Hospital, Faisalabad is the most modern and well equipped hospital like as Punjab Institute of Cardiology, Lahore and Aagha Khan Hospital, Karachi that, Doctor Liaqat Ali (defendant No.2) the F.C. P. S (Cardiology), Dip Card awarded with Gold Medal Cardiology from the University of the Punjab, had worked for eight years as Cardiologist at Punjab Institute of Cardiology, Lahore also worked as Assistant Professor Cardiology at King Faisal University Saudi Arabia and at Sharif Medical City Rai-Wind, Lahore and he is a consultant Cardiologist before his transfer at Allied Hospital, Faisalabad, that all the procedure in treatment of the patient was according to the International Standard and that the procedure of Permanent Pace Maker (PPM) in plantation was successfully completed when the patient was shifted in Coronary Care Unit (CCU) where well trained Doctors and staff were on duty that, therefore, the allegations levelled are vague and fictitious under the circumstances that the patient was seventy years old having two previous Heart Attacks and he died due to 3<sup>rd</sup> heat attack in the hospital.

3. From the above said scenario, after hearing both the sides on critical appreciation of evidence available on record, I have carefully squeezed out following points with clarity:

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A= *The patient Abdul-Razzaq was a Heart Patient with previous history and admittedly he had 3<sup>rd</sup> Heart Attack when he was brought to Doctor Liaqat Ali (defendant No.2) for his treatment at Allied Hospital Faisalabad;*

B= *The patient Abdul-Razzaq was also Sugar patient vide report of City Lab, Faisalabad at Page No.85, 89, 97 and 101 to 115 of the file;*

C= *The patient Abdul-Razzaq was weak and lean person having low range of Heamoglobin vide Lab Report of Faisalabad International Hospital, Faisalabad at Page No.127 and 129 as Blood Pressure of the patient also fluctuated during the period;*

D= *Admittedly, Doctor Liaqat Ali (defendant No.2) is the renowned Cardiologist at Faisalabad International Hospital, Faisalabad and he remained busy in installation of Permanent Pace Maker to the patient for four hours and twenty minutes along-with other competent Doctors Jhangir and Munir and after several attempts he succeeded to place Permanent Pace Maker in the patient's heart at the reading of 0.3 pulse / current vide Para No.2 (iv) of the claim. All such hectic efforts were made by Doctor Liaqat Ali (defendant No.2) for bringing the patient to normalcy that is why that he also advised to get Nebuliser for the patient and for his shifting to Allied Hospital, Faisalabad.*

E= *During the arguments, it has been disclosed by the claimant Muhammad Adnan Razzaq on court query that his cousin Farhan issued the certificate of the good or bad consequences of the operation prior to its conduct by the Doctors absolving Liaqat Ali (defendant No.2) of his responsibility.*

4. In order to prove negligence on the part of a Medical Practitioner / Surgeon high degree of probability is required. No doubt Doctor Liaqat Ali (the defendant No.2) was expected of not only the reasonable skill in performing his duty also exhibit diligence, skill and care but it would be wrong to assume negligence on the part of the Doctor merely because something wrong went with the patient as the things could go wrong in the treatment of the patient even with

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very best available care. Merely because Medical Practitioner / Surgeon failed on the patient Abdul-Razzaq, it could not be stated that the medical practitioner is guilty of negligence unless it is proved that the medical practitioners / surgeons did not act with sufficient care and skill and the burden of proving the same rested upon the claimant who asserted it. The duty of Doctor Liaqat Ali arose from the fact that he did something to the patient which was likely to cause physical damages but from the evidence prevalent on record, it appears that Doctor Liaqat Ali (defendant No.2) acted in accordance with the general and approved practice, hence, any allegation of negligence attributed to him is wholly misplaced and there is no deficiency in operation.

5. From the above said facts and circumstances it is very difficult to assume that the Doctor Liaqat Ali (defendant No.2) who attended the patient Abdul-Razzaq was indifferent and negligent in the performance of the operation. However, the doctor followed prescribed standard of medical ethics and has taken every care to treat the patient.

6. The upshot of the above whole discussion is that, the claimants have not proved their case and the claim is hereby dismissed accordingly. File be consigned to the record room after its due completion.

Announced  
19.01.2009.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad.

Certified that this judgment consists of four pages, dictated, signed and corrected by me.

Muhammad Kaleem Sheikh,  
Presiding Officer/  
District & Session Judge,  
District Consumer Court, Faisalabad.