

Office of the West Bengal Clinical Establishment Regulatory Commission  
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**Case Reference: INT/KOL/2022/134**

Ms. Tiya Majumdar ..... Complainant

vs

Arogya Marternity and Nursing Home ..... Respondent/ Respondents

**ORDER SHEET**

Office Note	Order No.	Date	Order
	1.	04/07/2022	<p>The patient was critically ill. He was admitted on September 7, 2018. On the next day of her admission there has been an accidental fall from the bed causing head injury. She was immediately taken to the ICU. She ultimately breathed her last on September 13, 2018. The complainant initiated a criminal case by lodging FIR that is pending. Ultimately, the case has come to us.</p> <p>We have heard the parties at length.</p> <p>According to the CE, the complainant forcibly wanted to go to toilet. She gave her full body weight on the railing of the bed and suddenly the railing fell down that caused accidental fall. The hospital would also admit, the</p>



  
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		<p>attendant was by the side of the patient.</p> <p>The hospital in our view, cannot avoid their responsibility. The patient was critically ill. She was in her cabin having an attendant by the bed side. It was the duty of the hospital to look after the patient.</p> <p>We are not impressed by their explanation that the patient forcefully wanted to go to toilet. The medical records would reveal that the patient was critically ill. The post mortem was done. The PM report would reveal <i>"death was due to the effects of head injuries associated with evidences of diseased condition of heart. Lungs and liver as noted above—ante mortem in nature"</i> that would conclusively prove fall being the cause of the death. It is true, the patient was having serious co morbidities. However, accidental fall was made the principal cause of death as we find from the PM report.</p> <p>The hospital billed a sum of Rs. 1.66 lakhs however, they did not insist for payment. Considering the fact, the hospital also gave appropriate treatment what they could</p>
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do after the accident, taking a pragmatic approach, we feel, interest of justice would be sub-served, if we direct compensation of Rs. 6,00,000/-.

Mr. Suresh Roy, representing the CE, would pray for mercy. According to him, they are not having good business and they are in precarious condition. Hence, they would not be able to pay.

Considering such precarious condition, we permit them to pay the said sum by twelve equal monthly instalments of Rs. 50,000/- each commencing from July 15, 2022 and thereafter, on the day of each succeeding month.

The complainant is directed to share her bank details. The complainant, the daughter of the patient, would assure us, in case the payments are made they would withdraw the criminal case pending against the CE.

The complaint is disposed of.



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			<p>Sd/-</p> <p>The Hon'ble Chairperson</p> <p>Sd/-</p> <p>Prof. (Dr.) Sukumar Mukherjee – Member</p> <p>Sd/-</p> <p>Prof. (Dr.) Makhan Lal Saha – Member</p> <p>Sd/-</p> <p>Dr. Maitrayee Banerjee – Member</p> <p>Sd/-</p> <p>Smt Madhabi Das – Member</p> <p><i>Authenticated</i></p> <p><i>[Signature]</i></p> <p>Secretary West Bengal Clinical Establishment Regulatory Commission</p>
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