



## MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001  
Tel : 2207 3434 Fax : 2207 3434, 2209 2857 Website : <http://mshrc.maharashtra.gov.in>

SHRC/VGM/04/2010/ 1176

Date: 5<sup>th</sup> April 2010

### Case No. -173/2006-07

Name of the complainant : Kasim Hussainsab  
22, Abhay Steel House Compound  
Bawada Street, Sant Tukaram Road,  
Masjid Bunder (E), Mumbai - 400 009

Vs.

- 1 The Dean  
J J Hospital, Byculla, Mumbai
- 2 Secretary  
Medical Education Dept  
Mantralaya, Mumbai

Date : 23 April 2010  
Coram : Justice V G Munshi, Member

## ORDER

Read the averments made in the complaint. Read the reply given by Superintendent - G.T Hospital, Mumbai, and Secretary to the State. Read the case papers. Heard the parties.

2. Before proceeding with the merits of the case, points to be decided etc it is necessary to acquaint ourselves with the facts and circumstances of the case, with which we are concerned.

One Raisuddin Amiruddin Shaikh (Patient) was the son-in-law of the complainant Kasim Hussain Saheb Dudawali resident of Masjidbunder Road, Mumbai.



That on 09.11.2006 the patient was getting cold and fever. Therefore, the patient was taken to the dispensary of Dr. Altaf. He was given injection by private practitioner in right gluteal region. He was admitted in G.T. Hospital on 10.11.2006 at 9.10 p.m. He was diagnosed as cellulites with impending abscess right gluteal region. He was given treatment in the hospital. That on 11.11.2006 pus was aspirated and it was decided to transfer the patient to J J Hospital for drainage of abscess. The patient was transferred to J J Hospital. The patient was then attended by the Doctor on duty. The patient expired at 5.40 p.m on 11.11.2006.

3. The complainant made allegations that the death of the patient occurred only because of negligence of the Doctors. It was the grievance made by the complainant that Doctors did not give proper and immediate medical treatment to the patient. It was specially alleged that no care was taken to remove the patient immediately from G T Hospital to J J Hospital. In short according to the complainant the death of the patient occurred only because of negligence on the part of the medical officers and officials. Therefore, he moved the Commission for necessary action in this matter.

4. The Respondents by filing their reply denied and disputed all the allegations of negligence etc made against them in the complaint. According to them proper and immediate medical treatment was given to the patient. As per post mortem report the cause of death was

**“Death following Right gluted abscess following  
Intramuscular injection on the Right buttock.”**

It was added that because of injection given by the private Doctor, the patient developed cellulites with impending abscess right gluetal region. Thus, according to the Respondents the Medical Officers or officials at G T Hospital were not responsible for such death of the patient.

5. The patient first taken treatment in private hospital. When the patient could not get relief he was admitted in G.T Hospital. In the last when the condition of the patient did not improve he was shifted to J J Hospital. From the material on record it prima facie appears to be a case of medical negligence. Attempt was made to show that ambulance was not made available for shifting the patient from GT Hospital to J J Hospital. The complainant also raised questions about the treatment which was given to the patient in GT Hospital. It is a fact that the patient died because of such reason. It is therefore, necessary to find out whether proper medical treatment was given to the



patient. All these aspects are to be considered and decided by an expert or by competent Authority.

6. After considering all these circumstances appearing in this case, I am of the opinion to recommend the case for proper inquiry by competent Authority.

7. Attention is drawn on the clause – 2 of the Resolution dated 07.10.2005 issued by Government. It clearly mentions that in the case of medical negligence by medical practitioner proper inquiry should be made by the Council (Parishad). In that case the police should give such instructions to the complainant, that he should file complaint before Council (Parishad) and secondly the Police should send all the information about the case to the Council (Parishad).

After considering all these aspects I make following recommendations.

- (A) Maharashtra Medical Council, to make proper inquiry into the allegations of medical negligence.
- (B) The complainant to move the Maharashtra Medical Council accordingly with his grievances / complaint.
- (C) Respondent Police to furnish all the necessary information to the Maharashtra Medical Council.
- (D) Commission hopes and trusts that Maharashtra Medical Council would act accordingly and to take action according to law, at early date.
- (E) Copy of this order be sent to Maharashtra Medical Council Mumbai through Secretary, State Human Rights, Commission, Mumbai.

Case No. 173/2006-07 is disposed of accordingly. Inform the complainant and the Respondents.

**The Secretary to communicate this order to the parties concerned.**



Sd/-  
(Justice V G Munshi)  
Member, SHRC

R/R,HRG - RECOMM

