

"What measures do you take in the event of a filing complaint against the Hospital for medical negligence ?"

Very Important Note

What Care Should Be Taken Before Filing a Complaint Against the Builder/Developer/Owner for Refund of Amount?

Precautions and Measures Before Filing a Medical Negligence Complaint

1. Understand the Legal Basis:

- Medical negligence occurs when a healthcare provider (doctor, hospital, or staff) breaches their duty of care, resulting in harm to the patient.
- Claims can be filed under the Consumer Protection Act, 2019, as medical services fall within the scope of "service."

2. Jurisdiction for Filing:

- Determine jurisdiction based on:
 - Place of residence or work of the complainant.
 - Location where the negligent act occurred (e.g., the hospital).
- Choose the appropriate Consumer Commission based on the compensation sought:
 - **This is very important issue plz communicate for this issue and take our advice on WhatsApp number below so you will not able to file complaint in wrong commission**

3. Define Negligence Clearly:

- Establish that negligence occurred by proving:
 - **Duty of Care:** The medical professional owed a duty to the patient.
 - **Breach of Duty:** The professional failed to meet the standard of care.



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- **Causation:** The breach directly caused harm or injury.
- **Damage:** Physical, mental, or financial harm resulted from the negligence.

4. Collect Evidence:

- **Medical Records:** Obtain complete medical records from the hospital or doctor under the Clinical Establishments Act or Right to Information (RTI) Act.
- **Treatment History:** Include prescriptions, diagnostic reports, and surgical or procedural records.
- **Communication Proof:** Attach emails, messages, or correspondence regarding treatment.
- **Second Opinions:** If possible, get an opinion from another medical expert to support your claim of negligence.

5. Expert Opinion:

- **Consult a qualified medical expert** to validate that the treatment was below the standard of care and caused harm.
- **Attach the expert's opinion** as evidence in your complaint.

6. Issue Legal Notice:

- **Send a detailed legal notice** to the healthcare provider, outlining the negligence and harm caused.
- **Demand compensation** within a stipulated timeframe (15-30 days).

7. Quantify Compensation:

- **Clearly calculate the compensation, including:**
 - **Medical expenses** incurred due to negligence.
 - **Cost of corrective or additional treatments.**
 - **Compensation for mental agony, trauma, or disability.**



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- **Loss of income (if applicable).**
- **Litigation costs.**

8. Pecuniary Jurisdiction:

- **File the complaint based on the total claim amount (including compensation for mental agony and costs incurred).**

9. Relevant Precedents:

- **Research judgments from the NCDRC, High Courts, or the Supreme Court on similar medical negligence cases. Cite them in your complaint to strengthen your claim.**

10. Formatting the Complaint:

- **Ensure the complaint is well-drafted and structured:**
 - **Synopsis:** Briefly summarize the facts of the case.
 - **Details of Parties:** Include names, addresses, and roles of all parties involved.
 - **Statement of Facts:** Describe the treatment and instances of negligence chronologically.
 - **Grounds for Complaint:** Explain how the negligence caused harm.
 - **Relief Sought:** Specify the compensation and other remedies.

11. Document Organization:

- **Arrange supporting documents as per the index. Common documents include:**
 - **Medical records.**
 - **Receipts of medical expenses.**
 - **Expert opinions.**



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- **Proof of communication with the healthcare provider.**

12. Online Filing:

- **File the complaint via the e-Daakhil portal:**
<https://edaakhil.nic.in/>.
- **Scan and upload all documents with proper pagination and clarity.**

13. Compliance with Medical Laws:

- **Check compliance with laws like:**
 - **Consumer Protection Act, 2019.**
 - **Medical Council of India (MCI) guidelines.**
 - **Clinical Establishments Act, 2010.**

14. Assess Limitations:

- **File the complaint within two years from the date of negligence or the realization of harm.**

15. Professional Assistance:

- **Engage an advocate experienced in consumer law or medical negligence cases to:**
 - **Draft a detailed and legally sound complaint.**
 - **Provide guidance on evidence presentation.**
 - **Represent the complainant effectively in court.**

16. Interim Relief:

- **File an interim application (if needed) for immediate reimbursement of medical expenses or urgent compensation for severe harm or disability.**



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NOTE : Additionally, we are available to assist you with uploading the complaint online if required. However, to proceed, you must send the complaint along with the supporting documents as per the index, with proper paging starting from the Synopsis.

Please note: We will be unable to upload the complaint unless you provide a scanned copy of all documents arranged as per the index, with correct paging.

IMP

We will help you draft the consumer complaint and provide relevant judgments from the NCDRC and the Supreme Court to support your case. Simply send the policy document and all relevant documents mentioned above to the email address or WhatsApp number provided below.

We had also provided the draft copy of compliant if you required in this application /website



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