

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.33884 of 2012

S.Vasanthi

... Petitioner

vs.

The Chief Medical Officer (CMO),
JIPMER Hospital,
Jawaharlal Nehru Medical Education &
Research Hospital,
Puducherry.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondent Hospital to consider the petitioner's representation dated 24.08.2012 to furnish the Wound Certificate of the petitioner's minor Son namely S.Elumalai, son of Selvam, who was admitted in the respondent Hospital, as inpatient from 19.01.2006 to 17.03.2006.

For Petitioner : Mr.M.Saravanakumar
For Respondent : Mr.M.T.Arunan

O R D E R

The petitioner has come up with the present Writ Petition seeking a direction to the respondent Hospital to consider her representation dated 24.08.2012 to furnish the Wound Certificate of her minor Son viz. S.Elumalai, who was admitted in the respondent Hospital as inpatient, from 19.01.2006 to 17.03.2006.

2. According to the petitioner, on 19.01.2006, around 5.45 p.m., when her minor son, viz. Elumalai was standing in front of her house, a Milk Van, bearing Registration No.TN 32/X-3191, driven in a rash and negligent manner, dashed against her son, due to which, he sustained grievous injuries in both his legs. Hence, the petitioner filed a claim petition seeking compensation in M.C.O.P.No.79 of 2008 before the Motor Accidents Claims Tribunal, Kallakurichi and the same is pending for trial. It is her further case that her son was admitted into the respondent Hospital on 19.01.2006 and he was discharged only on 17.03.2006.

3. The grievance of the petitioner is that at the time of discharge of her son viz. S.Elumalai, the respondent Hospital furnished only the Discharge Summary and despite her request to furnish the Wound Certificate of her son and several visits to the respondent Hospital in this regard, the respondent Hospital declined to furnish the same. Hence, according to the petitioner, she is unable to get the Award from the Motor Accidents Claims Tribunal and she finds very difficult to meet out the expenditure towards her son's medical treatment.

4. Today, when the matter is taken up for hearing, the Chief Medical Officer of the respondent Hospital is present before this Court and the learned counsel appearing for the respondent produced a copy of the Treatment Certificate, dated 04.12.2012 issued by the respondent Hospital in respect of the petitioner's son, viz. S.Elumalai, aged 9 years. In the said Treatment Certificate, it is categorically stated that Elumalai was admitted in their Hospital in the Casualty Ward on 19.01.2006 and that he underwent two surgeries on 20.01.2006 and 23.01.2006.

5. The respondent has filed a counter affidavit today, narrating the nature of injuries sustained by the petitioner's son. Relevant portion of the counter affidavit is extracted hereunder:

"3. It is respectfully submitted that the petitioner's son S.Elumalai, 9 years old male boy was brought to JIPMER casualty on 19.01.2006 at 22.40 hours with a history of RTA pedestrian versus unknown vehicle. He has degloving injury in the left leg from knee to foot. He complained of inability to stand, walk. There was no external wound on the left thigh. On admission, he was hemodynamically stable, he had vascular injury of the left hand posterior tibial artery. It is further submitted that on taking X-ray of the left thigh, it showed proximal 1/3 femur fracture.

4. It is further submitted that 1st surgery procedure that is would debridement + External fixator left proximal femur fracture with vascular repair was done on 20.01.2006 and further a 2nd surgery procedure with regard to knee disarticulation left SSG for raw over distal femur was done on 23.01.2006. The patient was discharged on 17.03.2006."

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Though the Treatment Certificate, dated 04.12.2012 produced by the counsel for the respondent, is silent about the date of discharge of the petitioner's son, in paragraph 4 of the counter affidavit, the date of discharge of the petitioner's son, Elumalai is stated as 17.03.2006.

8. Hence, in view of the statement of the counsel appearing for the respondent and taking into account the counter affidavit filed by the respondent, wherein, the date of admission and the date of discharge of the petitioner's son as also the treatment given to him are clearly stated, this Court directs the respondent Hospital to issue the Discharge Summary of the petitioner's son, S.Elumalai, narrating the nature of injuries sustained by him, period of treatment, date of admission and date of discharge, within a period of two weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above observation. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

The Chief Medical Officer (CMO),
JIPMER Hospital,
Jawaharlal Nehru Medical Education &
Research Hospital,
Puducherry.

1cc to Mr.M.T.Arunan, Advocate Sr. 60349

Order in
W.P.No.33884 of 2012

AR (IV)
VR(24/8/2017)