DMC/DC/F.14/Comp.2964/2/2021/ 28th September, 2021

**O R D E R**

The Delhi Medical Council through its Executive Committee examined a complaint of Smt. Amrita Chopra, 40, Shanti Vihar Vikas Marg Extn. New Delhi-110092, alleging medical negligence on the part of Dr. A.K. Mittal, Shivam Surgical & Maternity Centre 30, Shanti Vihar, Delhi-110092, in the treatment of the complainant.

The Order of the Executive Committee dated 23rd August, 2021 is reproduced herein below:-

“The Executive Committee of the Delhi Medical Council examined a complaint of Smt. Amrita Chopra, 40, Shanti Vihar Vikas Marg Extn. New Delhi-110092(referred hereinafter as the complainant), alleging medical negligence on the part of Dr. A.K. Mittal, Shivam Surgical & Maternity Centre 30, Shanti Vihar, Delhi-110092 (referred hereinafter as the said Centre), in the treatment of the complainant.

The Executive Committee perused the complaint, written statement of Dr. A. K. Mittal, Director, Shivam Surgical & Maternity Centre, copy of Shivam Surgical & Maternity Centre, rejoinder of Smt. Amrita Chopraand other documents on records.

The following were heard in person :-

1. Smt Amrita Chopra Complainant
2. Shri Rajiv Chopra Husband of the Complainant
3. Dr. A.K. Mittal Senior Consultant and Director

Shivam Surgical and Maternity Centre

The complainant Smt. Amrita Chopra alleged that she underwent a great toe surgery for removal of corn in the left great toe on 16th May, 2019 under local anaesthesia. For 10 days, she was on antibiotics and visited the doctor for bandage and removal of stitches. Her trauma started after removal of stitches led to immediate problem of inflammation and swelling. Dr. A.K. Mittal said no need to worry; all ok and advised her to consult dermatologist. Pain/swelling persisted but the doctor was indifferent. She was regularly doing bandage. On 21st June, 2019, she was admitted in Sir Ganga Ram Hospital for a surgery of hiatus hernia. This problem persisted. On discharge, this problem was still there. On 10th July, 2019, she consulted Dr. Girdhar, skin specialist who gave antibiotics and other medicines and said let us watch. No relief and pain became worse. She consulted a surgeon in Sir Ganga Ram Hospital on 27th July, 2019 who referred her to an orthopedic doctor (Dr. Amarjeet) in Sir Ganga Ram Hospital. He advised x-ray left foot, some gadgets, uric acid medicine and blood test but she did not get relief. Now, she started rounds of doctor’s visit to Max Hospital and met Dr. Amit Srivastava on 2nd August, 2019, 07th August, 2019, 16th August, 2019 and 21st August, 2019. All these visits included heavy dose of antibiotic/MRI of foot/blood tests. However, the problem still persisted; pus/inflammation and bandages were still continued. Next visit was to Lok Nayak Hospital to consult Dr. Pawanindra Lal on 27th August, 2019. He said he would not touch it and said in the first place stitches should not have been put. Following this, she again consulted an endocrinologist, as people said may be diabetes on 1st September series of blood test; all was fine. She was then referred to a Homeopath doctor (Dr. D.K. Mathur) on 07th September, 2019 for medicine, ointment and again for blood and urine test but there was no improvement. Her foot got worse and life was miserable. She contacted Dr. A.K. Mittal again, who did surgery asking him to help or suggest something. He said that this is not his job, consult a surgeon. He simply washed his hands-off. Her trauma and medical expenses became too much. The doctor was also told for compensation but just paid no heed. So much medication spoilt her system internally; but she had no choice. The daily bandage, walking with a limp was terrible. Then her brother-in-law, who is a cardiologist with Jay Pee Group Himachal, suggested that she should consult a podiatric-foot doctor. This doctor Dr. Ashok Damir is in Patel Nagar; he said her situation was messed-up and the infection was till bone. She visited him in October and went there for the next five to six weeks. The procedures were done, tests, very-very strong antibiotics were given. He advised for special shoes to wear and regular dressing. Still the treatment is on, on medication and now again special arches to be made on order and wear only shoes which will be customized. Her life has become static. She was a very tough person but so much of medication, doctors, hospital, finances, etc., has left her unstable, annoyed and depressed. She is a hypertensive and with so much medication, things have gone out of control, medicines are reacting. Her trauma of seven months has taken a toll on her and her life style. With apologies, the doctor concerned has no medical ethics and just did not bother. The private hospitals are money minting areas. She requests that this matter be settled asap especially as her finances have suffered. So definitely a heavy compensation for her physical and mental trauma for her past seven months was hell, for the sheer negligence of the Dr. A.K. Mittal of Shivam Nursing Home.

Dr. A.K. Mittal, Senior Consultant and Director, Shivam Surgical and Maternity Centre in his written statement averred that the complainant Smt. Amrita Chopra age 55 years, is his neighbor and also good friend of his relative Dr. Achal Dave, practicing in East Delhi. She off and on visits their nursing home for minor problems and usually consults him or his wife Dr. Manju Mittal without any renumeration. On 16th May, 2019 also, she came to consult him for a problem of some swelling near the tip of great toe. He examined and told her that it is a small corn. If, it is creating problem, it can be removed. She opted to get it operated, as it was painful and she had got one corn removed earlier also from him. On same day, he operated her corn on great toe under local anesthesia and stitched the wound after removal of the corn, as it was a small and superficial corn. She visited twice after surgery. He removed the stitch on tenth day and there was no infection and wound was fine. He advised her to apply some ointment and avoid tight footwear. She came after some days with complaint of pain in that area. The wound was fine and there was no infection. He advised her to avoid tight footwear and also consult some dermatologist for opinion. After approximately one month of surgery, she got admitted in Ganga Ram Hospital for hiatus hernia surgery. The complainant undergoing such a major surgery, it is presumed that big toe would have not been bothering her too much. In between she did not follow up with him. After few months, she came to his OPD having consulted few doctors including orthopaedicaan and she had MRI report of foot, which showed swelling in interphalangeal joint which was unrelated to operated site. On examining locally, there was no infection or pain at the site of surgery. It was the interphalangeal joint which was painful. He reassured her that this is separate problem and not related to earlier surgery. He advised her to continue treatment under orthopedic surgeon. As regards, opinion given by a surgeon about closure of wound, has to be respected, however, the decision to keep the wound open or closed is based on size, site and depth. In this case, the corn being very superficial and small was amenable to close. Regarding the opinion of the podiatrist that the patient has problem in arches of foot and she has to wear special footwear. They agree to be the opinion of the podiatrist and pain might be related to defective foot arches and has nothing to do with corn surgery. After that, she never came to him and there was no follow-up with him but she called at hospital landline number many times threatening and asking for payment, for which, they told her to come to hospital and meet. After sometime, in month of September she wrote a letter to him asking for compensation and payment. We did not respond to the letter and informed Dr. Dave (her family physician and their relatives) to look into this matter. He again received a letter asking for payments. She was always demanding money and compensation for the problem which was not related to his surgery and he did counseling that it is related to innterphalyngeal joint problem, not related to the corn surgery. After writing three to four letters, she threatened for complaining to IMA and Court. Yet he did not respond to her threats and asked her to come for follow-up personally. After a gap of seven months, he has received this letter from the Delhi Medical Council. Here he leaves the matter on the Delhi Medical Council executive, as he has explained his side of the story truly. Now, the executive decision will be final for him. Also, he has full faith in the Delhi Medical Council.

In view of the above, the Executive Committee makes the following observations :-

It is noted that Smt. Amrita Chopra presented herself to Dr. A.K. Mittal Mittal, Surgeon, Shivam Surgical and Maternity Centre for treatment of a small corn on the left great toe on 16.05.2019. Dr. A.K. Mittal excised the corn under LA (local anaesthesia) on the same date and closed the wound with sutures and covered her with antibiotics. Stitches were removed on 10th day. In the opinion of the surgeon Dr. A.K. Mittal, the wound had no infection and was healing well. However, it appears that the wound has not healed and the patient had to consult several other surgeon, orthopaedic surgeon and a podiatrist for it. It is a known fact that delayed healing of wounds in the sole of the foot may occur because of several reasons, which are to be taken into account while managing it. It is the opinion of the Executive Committee that the corn of the patient has been managed according to standard guidelines and there is nothing on record to suggest medical negligence on the part of Dr. A.k Mittal.

In light of the observations made herein-above, it is the decision of the Executive Committee that no medical negligence can be attributed on the part of Dr. A.K. Mittal, Shivam Surgical & Maternity Centre, in the treatment of the complainant.

Complaint stands disposed. “

Sd/: Sd/: Sd/:

(Dr. Arun Kumar Gupta) (Dr. Raghav Aggarwal) (Dr. Ashwini Dalmiya)

Chairman, Member, Member,

Executive Committee Executive Committee Executive Committee

Sd/: Sd/: Sd/:

(Dr. Anil Kumar Jain) (Dr. Subodh Kumar) (Dr. Ajay Bahl)

Member, (Expert Member) Expert Member

Executive Committee Executive Committee Executive Committee

The Order of the Executive Committee dated 23rd August, 2021 was confirmed by the Delhi Medical Council in its meeting held on 23rd September, 2021.

By the Order & in the name of Delhi Medical Council

(Dr. Girish Tyagi)

Secretary

Copy to:

1. Smt. Amrita Chopra, 40, Shanti Vihar Vikas Marg Extn. New Delhi-110092.
2. Dr. A.K. Mittal, Shivam Surgical & Maternity Centre 30, Shanti Vihar, Delhi-110092.
3. Dr. Hans Raj Baweja, Consultant, National Medical Commission, Pocket-14, Sector-08, Dwarka, Phsase-1, New Delhi-110077.(w.r.t. No. NMC/MCI/EMRB/C-12011/SMC/0199/2020/Ethics./001925 dated 13.01.2021)-for information.

(Dr. Girish Tyagi)

Secretary