

**A.K. Hazarika Vs. Saraighat X-ray and Clinical Laboratory**

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**Court :** Assam State Consumer Disputes Redressal Commission SCDRC Gauhati

**Decided On :** Oct-09-1993

**Judge :** S.N. Phukan, President & the Honourable Mr. a.C. Bora, Member

**Appeal No. :** Complaint Petition No. 122 of 1992

**Appellant :** A.K. Hazarika

**Respondent :** Saraighat X-ray and Clinical Laboratory

**Judgement :**

S.N. Phukan, President::

1. The petitioner is an employee of the State Bank of India and it has come out in evidence that he is a cancer patient. He was examined by Dr. S.P. Medhi, who is an ENT Specialist of B. Baruah Cancer Institute and he asked the petitioner to get a sonography done. Accordingly, he went to the laboratory of Opposite Party and got the sonography done and a report thereof was submitted on 30.7.92. The report is at Annexure A to the petition and the Radiologist on the basis of the finding gave the following impression:

Impression : U/Sec. Examination shows evidence of a low echoic mass measuring around 23x4 mm in size anterior to the IVC could be an enlarged node. Rest of the organs imaged appear within normal limits.

This report made the petitioner worried and he left for Madras with his wife and other family members and consulted a doctor at the Cancer Institute at Madras. At the said Institute he was examined further and a report was submitted on 2.9.92 which is available at Annexure II to the petition. The impression of the Radiologist as recorded in Annexure-II runs as follows:

Impression : Liver normal. GB/CBD normal Spleen/ pancreas/ kidneys normal.

RP no nodes.

No free fluid in the peritoneal cavity.

As the report given by the Cancer Institute, Madras is quite different and no abnormality was detected, the petitioner has filed the present petition claiming a compensation of Rs. 1,20,000/-.

2. In support of the petition, petitioner has deposed before this Commission and he was also cross-examined. No evidence has been adduced on behalf of the Opposite Party.

3. Heard Mr. Jain and Mr. Pathak for the parties.

4. Report of the Radiologist is only an opinion based on impression recorded by the machines or findings of the laboratory test. I can take judicial notice of the fact that sometime if the report is not satisfactory to the attending physician, the patient is asked to get necessary examination repeated.

5. In the case in hand, it has come out of evidence that the petitioner was a cancer patient and he used to visit Appollo Hospital 5/6 times earlier. From the Annexure-I, I find that the impression of the Radiologist on the basis of the ultrasound examination was that a low echoic mass was found. Petitioner has stated that he did not show this report to any Specialist in the line but he got worried. In a reply to a question put by the Commission he has stated that he did not consult any Specialist, at Guwahati before going to Madras.

6. It is true that X-ray and clinical laboratory tests are supposed to be done carefully by recording impression. But in the case in hand in view of the conduct of

the petitioner that he rushed to the Madras Hospital I hold that he is not entitled to get any compensation. The petition is, therefore, liable to be dismissed.

Accordingly, the petition is dismissed without costs.

Complaint dismissed.

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