

NOTICE UNDER SECTION 80, CODE OF CIVIL PROCEDURE

AGAINST PUBLIC OFFICER

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Advocate

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Date .....

TO,

Shri .....

Medical Superintendent,

..... Hospital,

.....

Re: Notice under section 80, Code of Civil Procedure

Dear Sir,

Under instructions and on behalf of my client Shri ..... resident of  
..... I hereby give you notice as follows:

1. On or about ..... you were the Medical Superintendent of ..... Hospital . ..... and you were also the Head of the Deptt. of Surgery of the said hospital.
2. Shri ..... was admitted to the said ..... Hospital on ..... for surgical operation for removal of stones in the kidneys under your care and supervision and ..... was fixed the date of operation of the said Shri .....
3. When the said Shri ..... was being operated, you were personally present in the operation theatre and doing the operation with the assistance of junior doctors.
4. After removing the stones, you, while undertaking stitching, had negligently, carelessly and willfully left a big piece of cotton inside the body, due to which my client started to complain severe pain in the kidneys for which you had prescribed some antibiotics on various visits.
5. When my client could not get treatment for his pain, he went to ..... and consulted Dr. .... of ..... Nursing Home ..... who opined that there is some foreign element around the kidney, for which my client was operated on ..... in ..... Nursing Home and a piece of cotton was removed from inside the body and after the removal of the cotton, my client had got relief from pain.

6. My client Shri ..... had to undergo physical and mental suffering for the negligence, carelessness and mistake committed by you and he had to spend lot of money for treatment of pain, which was caused due to leaving the piece of cotton inside the body by you, while undertaking operation for removal of stones in the kidney.

7. The said ..... therefore demands from you Rs. .... as damages for physical and mental suffering, Rs. .... as expenses incurred by him in the operation and treatment, Rs. .... as expenses incurred by him in transport, hotel, etc. totaling Rs. .... and I hereby give you notice that if the said amount is not paid, the said ..... will, on the expiry of two months from the date of service of this notice, file a suit against you for the recovery of Rs. .... as damages and expenses incurred by him, at your entire risk as to cost and consequences.

Yours faithfully,

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Advocate