



**BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL & DENTAL  
COUNCIL**

In the matter of

Complaint No. PF. 8-2167/2022-DC/PMC

Mr. Nasarullah against Dr. Anita Kumari (4652-B)

Prof. Dr. Muhammad Zubair Khan	Chairman
Barrister Ch. Sultan Mansoor	Member
Prof. Dr. Mahmud Aurangzeb	Member
Mr. Jawad Amin Khan	Member

*Present:*

Nemo for the parties

Hearing dated 05.07.2024

**I. FACTUAL BACKGROUND**

1. Mr. Nasarullah (the "Complainant") & Husband of Mrs. Najida (the "Patient") filed a Complaint on 26.09.2022 against Dr. Anita Kumari, (the "Respondent") working at Asghar Abbasi Medical Centre, Naudero Road, Larkana (the "Hospital"). The gist of the complaint is:

*The Patient visited the Hospital on 19.09.2022 at 6:00pm related to her delivery, where Respondent dealt the patient and advised delivery through C-section. Upon inquiry, Respondent assured that all facilities for this procedure are available and she will manage this. Later, the C-section of the patient was performed at night around 1pm and patient was shifted to room. which was performed by the Respondent at the Hospital.*



Post-operatively, patient complained of severe pain and nobody was present to attend her. Later, the Respondent visited the patient and advised a second corrective surgery, due to wrong C-section. However, the Anesthetic did not come until evening and the patient's condition deteriorated, when Respondent said that the Anesthetic cannot be arranged and patient should be shifted to Shaikh Zayed Women Hospital. The patient was shifted to and admitted at Shaikh Zayed Women Hospital, but expired at 09:30pm.

## II. SHOW CAUSE NOTICE ISSUED TO RESPONDENT

2. In view of the allegations leveled in the Complaint, a Show Cause Notice dated 19.12.2022 was issued to the Respondent doctor, in the following terms:

“... “... **3. WHEREAS**, a Complaint has been filed by Mr. Nasrallah (the "Complainant") before the Disciplinary Committee of the Commission (the "Complaint") which is enclosed along with its annexures and shall be read as an integral part of this notice; and

**4. WHEREAS**, in terms of the complaint, it has been alleged that on 19.09.2022, you negligently performed the caesarian operation of Mrs. Majida Chandio (the "Patient") as the patient upon recovery from anesthesia complained of severe pain. Further, alleged that you admitted your flawed treatment of the patient and advised the patient a second corrective surgery, however, unnecessarily delayed the same. It is alleged that due to your negligence and carelessness, the patient expired on the next day, and

**5. WHEREAS**, you are registered with Pakistan Medical Commission under Registration No. 4652-B, possessing the degree of Basic Medical Qualification (MBBS) only. A general practitioner cannot practice in the field of specialty without requisite qualification duly recognized by this Commission and represent, as having acquired or seek to practice a specialty, unless the same is recognized by this Commission. Hence, your conduct of practicing and representing as Gynecologist is in violation of Section 29 (2), (8) & (10) of the Act, read with Regulation 8(2) of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011; and ...”

## III. REPLY OF RESPONDENT

3. The Respondent submitted his response on 20.01.2023, wherein she conveyed that the instant complaint has been withdrawn, as under:



“...1. That the complaint against me is based on malafide and has no roots (Copy of complaint is enclosed)

2. That the complainant has withdrawn his complaint (copy of withdrawal affidavit is enclosed)

3. That I condoned the delay in filing of reply as my nephew was admitted in Gambat Institute of Medical Sciences (GIMS) Peads Cardio due to the Patent ductus arteriosus (PDA) ailment...”

#### IV. REJOINDER OF COMPLAINANT

4. A letter dated 06.02.2023 was written to the Complainant enclosing the comments received from the Respondent, directing him to submit his rejoinder.
5. Notwithstanding, no response/rejoinder has been received from the Respondent, till date.

#### IV. HEARING

6. The matter was fixed for hearing before the Disciplinary Committee for 05.07.2024. Notices dated 27.06.2024 were issued to the Complainant, Mr. Nasrullah and the Respondent Dr. Anita Kumari, directing them to appear before the Disciplinary Committee on 05.07.2024.
7. On the date of hearing, neither the Complainant nor the Respondent were present before the Disciplinary Committee, despite service of notice.
8. The Disciplinary Committee took note of the written response of Respondent Dr. Anita Kumari to the notice of hearing, where she has conveyed that the instant complaint has been settled between the parties and hence the proceedings may be closed at the PM&DC.
9. The Pakistan Medical and Dental Council Act 2022 (the “PM&DC Act 2022”) states that in case the complainant wishes to withdraw his/her complaint, the proceedings shall be terminated. The relevant provisions of the PM&DC Act 2022, are reproduced as under:

“... 44(1) the complaint and matter shall finish if the complainant withdraws his complaint. ...”



10. In view of the available record, this Committee is of the unanimous view, that the Complainant and Respondent should appear before the Disciplinary Committee and the Complainant shall substantiate his intention to withdraw the instant complaint, due to compromise.
  
11. Accordingly, in the interest of justice, the Disciplinary Committee decides to provide one last opportunity of appearance to the parties and in case of failure to appear the matter will be decided on the basis of available record. Fresh notices of hearing shall be issued to the Complainant and all the Respondents for hearing before the Disciplinary Committee in due course. Adjourned.

**Prof. Dr. Muhammad Zubair Khan**  
Chairman

11 September, 2024