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Man wrongly diagnosed with HIV awarded RM150,000

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GEORGE TOWN: The High Court yesterday awarded RM150,000 in damages to a former salesman who had been wrongly diagnosed as being HIV positive by a private hospital 10 years ago.

Judicial commissioner Vazeer Alam Mydin Meera, ruling in favour of A. Nageswara, 54, said Adventist Hospital & Clinic Services (M) Bhd was negligent in conducting an HIV test on the plaintiff when the test was not necessary as he had gone to the hospital merely complaining of chest pains.

On claims of defamation, Vazeer Alam said the hospital had written to Great Eastern Life Assurance (M) Bhd saying that Nageswara was found to be HIV positive, which he said "amounted to publication and therefore, defamation".

He ordered the hospital to pay RM100,000 in general damages for medical negligence, RM50,000 for defamation and RM10,000 in cost.

Nageswara, who is currently unemployed, was represented by K. Kumarathiraviam while Bala Mahesan appeared for the hospital.

When met outside the court, Nageswara, who was accompanied by his two brothers, said he was happy and relieved that the matter was over.

Nageswara had run away from his family for nine years. His wife and five children did not know what had happened to him until a month ago.

In the statement of claim, Nageswara claimed that on April 19, 2001, he was admitted to the hospital after he sustained an injury on the left side of his chest.

He was initially treated by Dr D.K. Chaudhury and was later referred to Dr Teh and Dr Loo, who carried out a few tests, including a blood test. He was later told that his blood test showed he was HIV positive.

Feeling disappointed, dejected and ashamed, Nageswara left the hospital two days later, and soon after, left Penang for Kuala Lumpur as he was too ashamed to face his family members.

After six months of living in misery, Nageswara underwent a medical test at the Pathology & Clinical Laboratory (M) Sdn Bhd (Pathlab) in Sungai Petani to get an assurance on whether the hospital results were accurate, and the tests conducted by Pathlab showed he was HIV negative.