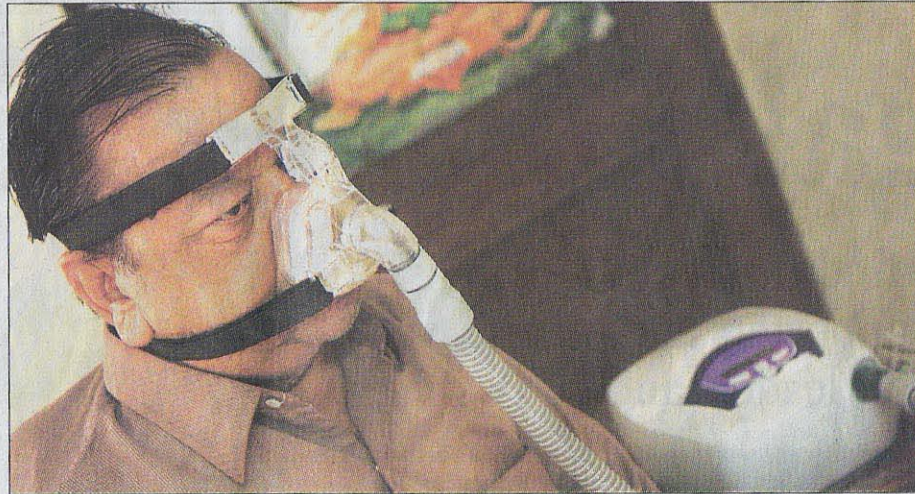


After much perspiration, right to respiration

11 years on, patient wins case against insurance firm in Supreme Court

Jaya Shroff Bhalla
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SANJEEV VERMA/HT

LUNG TIME NO SAY Shiv Kumar Rupramka won a case against his insurance company after a 11-year-long battle.

our Shiv Kumar Rupramka's claim of Rs 1,12,350 for a BIPAP (bilevel positive airway pressure) machine that pumps oxygen into the bloodstream.

That started a legal battle that was to last 11 years.

"Just as pacemakers are integral to heart function, BIPAP machines are impor-

tant for lung function. If the mediclaim companies reimburse for pacemakers, why shouldn't they pay for BIPAP machines?" said Rupramka.

Rupramka, now aged 62, was diagnosed with acute respiratory disorder in 1996. A medical insurance holder, the retired businessman bought a BIPAP machine on the prescription of Dr JC Suri, head of Respiratory Medicine and Sleep Medicine at Safdarjung Hospital.

Legal battle

Rupramka opened his legal battle in the district consumer forum as early as 1998. After around two years, the insurance company appealed to the state consumer forum when the judgment went in Rupramka's favour.

Again, a bench headed by Justice J D Kapoor held that the use of BIPAP machine was covered under the mediclaim policy.

"As far as a BIPAP is concerned, any patient having the disease, as the insured was having, cannot survive if such a system is not used," observed

the forum while directing the insurance provider to pay Rs 25, 000 as compensation to Rupramka.

The insurance company, however, appealed to the National Forum and finally to the Supreme Court, where the state order was upheld.

"The machine actually saves my life. I am completely dependent on it for my breathing. It is a must-use, especially when I am sleeping, as my body does not absorb adequate oxygen owing to lung dysfunction," said Rupramka.

Still waiting

It is now more than a week since Rupramka got the official order from the Supreme Court, yet no one from the insurance company has approached him.

"I think we are still a little way from winning the battle completely," said Rupramka.