

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

RSA No.4718 of 2010 (O&M)

Date of decision: 21.09.2015

State of Haryana and another

..... Appellants

versus

Smt.Bala Devi and another

..... Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. Samarvir Singh, DAG Haryana for the appellants
Mr.Harish Garg, Advocate for respondent No.1
Mr.Satjanda Chaudhan, Advocate for
Mr.J.C.Malik, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Challenged in the present regular second appeal is the judgment and decree dated 11.5.2010, passed by the learned Additional District Judge, Kaithal, affirming the judgment and decree dated 26.7.2006, passed by the learned Civil Judge, Senior Division, Kaithal, vide which, suit of the plaintiff was decreed and Rs.four lacs as damages/ compensation were allowed to the plaintiff against the defendants—present appellants.

Suffice to state, that the plaintiff was eight months' pregnant and was administered the tetanus toxide injection at Health Sub Centre in village Ahun on 5.6.1996 by defendant No.3, namely, Santosh Kumari, Multipurpose Health Worker. It is claimed that after 3-4 days of the administering the injection, the plaintiff developed

severe pain at injection site and swelling in left buttock with high grade fever. She was first taken to Haryana Nursing Home, Urban Estate Karnal and then removed to PGI, Chandigarh on 17.6.1996, where she remained admitted for 3 ½ months. Various operations were done to flush out the puss. As a result of the infection, the plaintiff delivered a dead foetus. She remained under pain and suffering for all this period and ultimately her life was saved but she is still under treatment. Plaintiff had to spend more than Rs.3 lac on her treatment towards doctor fee and medicines and one lac on diet and another one lac on travelling.

In the written statement, defendants have denied any negligence.

The lower Court after recording the evidence found that there was negligence on the part of the defendants. As such, a compensation was awarded.

State went in appeal. The appeal was dismissed by the learned Additional District Judge, vide judgment dated 11.5.2010. In the judgment, learned Additional District Judge, Kaithal also mentioned the heads under which the compensation has been calculated. It was further noticed that the plaintiff had developed gangrene.

I have heard learned counsel for the parties and have also carefully gone through the file.

It has come out that the tetanus toxide injection administered to the plaintiff was apparently wanting in quality or was of expired date, with the result that the injection reacted. Plaintiff had

to remain in PGI for 3 ½ months, where her various operations were done. She developed gangrene and ultimately delivered a dead foetus. For the loss of the child, loss of love and affection to the child, for pain and suffering and for the medicines, the compensation has been awarded. I am of the view that these are the findings of facts, which are fully supported by the reasoning. There is no ground to interfere in the same. No substantial question of law arises. Hence, the present regular second appeal is dismissed.

In view of disposal of the appeal, all the pending applications also stand disposed of.

21.09.2015*gk***(Kuldip Singh)
Judge**