

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1931 OF 2016

Kanhaylal S/o Banwarilal Tiwari and another

-vs-

The State of Maha.thr.the Secretary, Health Deptt. and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

None for the petitioners.
Mrs.Rashi Deshpande, AGP for the respondents.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : 16.04.2016.

By this writ petition, the petitioners seek a direction to the respondents to pay compensation of Rs.1,00,000/- to the petitioners for mental tension, harassment and delayed payment.

The petitioner No.1 had admitted his wife, the petitioner No.2 as a patient in the Government Mental Hospital, Nagpur for treatment. Since the petitioner No.2 was in the hospital for more than six months, the petitioners paid a sum of Rs.6,494/- towards treatment and diet charges. It is the case of the petitioners that they subsequently realized that if a patient is below the poverty line, then no fees or charges are payable. After securing the knowledge of the aforesaid position, the petitioner No.1 made a representation to the respondents seeking the refund of the amount. The said amount was repaid to the petitioners after three years. In this background, the petitioners have sought a direction to the respondents to pay compensation of Rs.1,00,000/- to the petitioners for mental tension, harassment and delayed payment.

The issue involved in this writ petition cannot be decided, in exercise of the writ jurisdiction. It would be necessary for the petitioners to prove mental tension and harassment to seek the amount

of compensation of Rs.1,00,000/-. While securing damages, it would be necessary for the petitioners to plead and prove in appropriate proceedings about the loss that is caused, due to the delayed payment/refund of the amount of Rs.6,494/-. Also, the amount of Rs.6,494/- is trifle and ultimately the same is returned back to the petitioners. The principle of *de minimis non curat lex* would apply to the facts of this case. The petitioners should have been aware of the fact that they are not required to pay the amount towards fees and diet charges.

In the circumstances of the case, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE