

CWP No.22743 of 2017 (O&M)

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.22743 of 2017 (O&M)
Date of decision:26.10.2017**

Dr. Savita Datyal

...Petitioner

Versus

The Permanent Lok Adalat (PUS), Rupnagar and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Akshay Kumar Goel, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 21.08.2017 passed by the Permanent Lok Adalat (Public Utility Services), Rupnagar, by which application filed by respondent no.2 under Section 22-C of the Legal Services Authorities Act, 1987, has been allowed and the petitioner has been asked to pay ₹50,000/- towards compensation and ₹10,000/- as costs of litigation.

In brief, Seema Birdi, wife of respondent no.2, was admitted for delivery in Navjivan Hospital, Nangal, which is owned and run by the petitioner. She gave birth to a girl child on 25.12.2015 and was discharged from the hospital on 27.12.2015 but the petitioner sent a wrong intimation to the Municipal Council, Nangal, about the birth of a male child to respondent no.2 and as a result thereof, the Municipal Corporation, Nangal made an incorrect entry about the birth of a male child in its record.

The case of respondent no.2 is that he had requested the petitioner a number of times to correct the entry in her record regarding birth of the

female child and send the correct intimation to the Municipal Council, Nangal, but she did not bother and kept the matter pending on one pretext or the other. He also sent a registered letter dated 30.04.2016 to the petitioner but to no avail. It is also alleged by respondent no.2 that due to wrong entry made by the petitioner, he could not obtain insurance policy in the name of his daughter and could not deposit the amount in the post office in Sukanaya Samridhi Yojna in her name because for that purpose, the birth certificate indicating the sex of the girl child was necessary. Ultimately, he served a legal notice dated 01.06.2016 to the petitioner and when the petitioner did not bother to react, he filed the application before the Permanent Lok Adalat for correction of the birth entry and claimed ₹1,00,000/- as compensation for loss and inconvenience and ₹20,000/- as litigation expenses.

In reply, the petitioner admitted the mistake of sending wrong intimation to respondent no.3 about the birth of a male child though a female child was born to the wife of respondent no.2. She also admitted the receipt of the registered legal notice on 01.06.2016 but alleged that she could not reply being busy in her medical profession.

Learned counsel for the petitioner has argued that the petitioner had intimated respondent no.3 on 30.05.2016 that the wife of respondent no.2 had been blessed with a female child instead of a male child and the said intimation was received in the office of the Municipal Corporation, Nangal, vide diary no.1367 dated 31.05.2016. It is submitted that this intimation was sent before the application was filed by respondent no.2 but she has not denied that no intimation was sent by the petitioner in this regard to respondent no.2, who had to approach the Court for redressal of his grievance and in that

process, he had engaged a counsel and also suffered mental agony and inconvenience.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that respondent no.2 is definitely entitled to the litigation expenses which he had incurred and has rightly been awarded the compensation of ₹50,000/- for suffering mental agony and inconvenience and there is no scope for reducing the amount of compensation, as prayed.

Consequently, the present writ petition is hereby dismissed being denuded of any merit, though without any order as to costs.

October 26, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No