



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

LPA No.2300 of 2017 (O&M)

Date of Decision: 02.09.2024

Dr. Savita Datyal

.....Appellant.

Versus

The Permanent Lok Adalat (PUS), Rupnagar and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Akshay Kumar Goel, Advocate
 for the appellant.

G.S. SANDHAWALIA, J.(Oral)

The challenge in the present Letters Patent Appeal is to the judgment dated 26.10.2017 passed by learned Single Judge in ***CWP No.22743 of 2017***, whereby the Award dated 21.08.2017 passed by respondent No.1 on the application under Section 22-C of the Legal Services Authorities Act, 1987 (for short 'the Act') filed by respondent No.2 was upheld. Vide the order dated 21.08.2017, the appellant was directed to pay Rs.50,000/- as compensation for mental agony along-with Rs.10,000/- as cost of litigation to respondent No.2, which has been upheld.

2. Learned Single Judge has dismissed the writ petition in *limine*. Perusal of the impugned judgment reveals that apparently the private respondent No.2 was blessed with a female child on 25.12.2015 and the intimation received from the hospital of the present appellant which had



been sent to respondent No.3-Municipal Council, Nangal was regarding birth of a male child. It is in these circumstances, a complaint had been filed by respondent No.2, father of the child, that he had not been able to obtain the 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 as the sex of the girl child was necessary for that purposes. It is noticed that it was only on 30.05.2016 (Annexure P-6), the intimation had been sent from the institution of the present appellant to respondent No.3-Municipal Council, Nangal regarding the factum of mistake as such and it was, admittedly, due to the clerical mistake, wrong report was made.

3. Perusal of the Award dated 21.08.2017 (Annexure P-5) shows that a finding has been recorded that due to the wrong act of the present appellant, incorrect entry had been made and harassment and mental tension had been caused to the private respondent due to which a compensation of Rs.50,000/- plus cost of litigation of Rs.10,000/- was granted to him as against the claim of Rs.1,00,000/- as compensation and Rs.20,000/- as litigation expenses alongwith interest.

4. Learned counsel for the appellant has tried to convince us while arguing that the complaint of the private respondent was not maintainable as the services relating to the registration of Birth and Death had only been made part of Public Utility Service by the State Government at a subsequent point of time. We are not convinced with the argument raised because firstly, the said issue was never raised before the Permanent Lok Adalat. Even otherwise, Section 22A(b) of the Act provides for service in hospital or dispensary and therefore, in the Main Act itself, there is a



provision mentioned. Section 22A(b)(xvi) for the services relating to the registration of Birth and Death is not the issue herein as it is on account of sending the wrong intimation at the hands of the hospital of the present appellant, the complaint has been moved by the private respondent. In such circumstances, the compensation which has been awarded seems to be just and fair towards the harassment caused to respondent No.2.

5. No legal issue as such apparently arises and therefore, learned Single Judge was well within his right to dismiss the writ petition. We do not find any tangible reason to re-open the case. Accordingly, the present Letters Patent Appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

September 02, 2024
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*