



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.782 of 2021

and

C.M.P.(MD).No.4244 of 2021

R.K.Shanthi

...Petitioner

Vs.

Ramya

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the order of the Permanent Lok Adalat, Kanyakumari at Nagercoil made in PLA / B / O2 / 2020 dated 16.02.2021 and set aside the same as illegal.

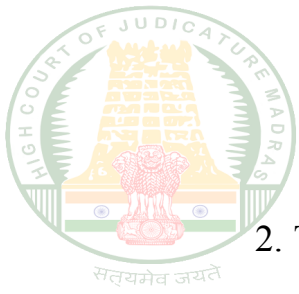
For Petitioner : Mr.V.Angusamy

For Respondent : Mr.Y.Jagadeesh

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ORDER

This petition has been filed seeking orders to set aside the order of the Permanent Lok Adalat, Kanyakumari at Nagercoil made in PLA / B / O2 / 2020 dated 16.02.2021.



2. The learned counsel appearing for the petitioner would submit that the petitioner is a medical practitioner by profession. It is alleged that the respondent had undergone sterilization surgery performed by the petitioner in the year 2017. However, after a period of approximately 2½ years, the respondent became pregnant and was diagnosed with a 'ruptured tubal pregnancy'. Consequently, the respondent filed a complaint before the Permanent Lok Adalat for Public Utility Services, Kanyakumari District. The petitioner appeared before the said forum and raised preliminary objections seeking dismissal of the complaint. Despite this, the Permanent Lok Adalat proceeded to adjudicate the matter as though it had the powers of a Civil Court, which is not permissible under the provisions of the Legal Services Authorities Act. The Permanent Lok Adalat is empowered only to pass consent awards and lacks jurisdiction to render a contested adjudicatory decision.

3. The learned counsel appearing for the respondent would submit that this Court may be pleased to grant liberty to the respondent to file a complaint before the appropriate Consumer Forum within a reasonable period to be stipulated by this Court. Further, it is prayed that the period during which the proceedings were pending before the Permanent Lok Adalat and this Court may be excluded for the purpose of computing the limitation, and that the Consumer Forum may be directed to entertain and decide the complaint without rejecting it on the ground of limitation.



4. The learned counsel appearing for the petitioner has no serious objection to the above submission.

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5. In view of the above, the order dated 16.02.2021 passed by the Permanent Lok Adalat, Kanyakumari at Nagercoil in PLA/B/O2/2020 is hereby set aside. Liberty is granted to the respondent to file a complaint before the appropriate Consumer Forum within a period of four weeks from the date of receipt of a copy of this order. The Consumer Forum is requested to consider and dispose of the said complaint on its own merits and in accordance with law, after affording sufficient opportunity to both the petitioner and the respondent, without rejecting the complaint on the ground of limitation.

6. Accordingly, the Civil Revision Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

16.06.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Permanent Lok Adalat, Kanyakumari at Nagercoil .

2.The Section Officer,

VR Section,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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