



W.P.No.1981 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.1981 of 2026

and W.M.P.Nos.2080 & 2084 of 2026

1.M/s.Bloom Life Hospital Pvt. Ltd.,
Rep. by its Managing Director
Dr.K.S.Kavitha Gautham,
No.32, Taramani Link Road,
Velachery, Chennai - 600 042.

2.Dr.K.S.Kavitha Gautham,
Managing Director,
M/s.Bloom Life Hospital Pvt. Ltd.,
No.32, Taramani Link Road,
Velachery, Chennai - 600 042.

3.Dr.Gautham Sigamani,
Director,
M/s.Bloom Life Hospital Pvt. Ltd.,
No.32, Taramani Link Road,
Velachery, Chennai - 600 042.

.. Petitioners

Vs.

1.The Chairperson,
State Consumer Dispute Redressal Commission,
at Chennai TNPSC Road,
Park Town, Chennai - 600 003.



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2.R.Hemalatha,
W/o.Sivalingam,
E-710, Radiance Mercury Apartments,
Gandhi Nagar Society,
Nookampalayam Road,
Perumbakkam,
Chennai - 600 100.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the 1st respondent's Order in R.P.No.37 of 2025 dated 30.09.2025 and quash the same.

For Petitioners : Mr.P.H.Arvind Pandian
Senior Counsel
for Mr.A.T.Nagendran

ORDER

(Order of the Court was made by G.Arul Murugan, J.)

This writ petition is filed assailing the order of the State Consumer Forum dated 30.09.2025 in R.P.No.37 of 2025, dismissing the revision preferred by the petitioners, thereby confirming the order of the District Consumer Forum dated 28.05.2025 condoning the delay of 95 days in filing of the complaint.

2. The 2nd respondent/complainant had preferred a complaint before the District Consumer Forum seeking compensation, alleging



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deficiency in service on the part of the petitioners. According to the complainant, she suffered Recto Vaginal Fistula during the delivery of her child at the petitioners hospital. She got readmitted and underwent surgery in petitioners hospital. The problem persisted and as directed by the 2nd petitioner, she again underwent surgery on 07.10.2022 in Apollo Hospital. The further surgery was also not fruitful. A legal notice was issued on 24.07.2024, but due to her medical condition, she was not able to go out and take steps in preferring the complaint in time and ultimately, the complaint along with the petition was filed with a delay of 95 days.

3. The 2nd respondent had filed petition seeking condonation of delay of 95 days. The petitioners had resisted the petition contending that the complainant was admitted for delivery of her child in the petitioners hospital on 27.08.2019 and got discharged on 30.08.2019. As such, the complaint ought to have been preferred within 2 years from that date and if so, there is a delay of more than 3 years and 4 months in filing the complaint and petition filed to condone the delay of 95 days is without any basis.



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4. The District Consumer Forum, by order dated 28.05.2025 considering the cause shown, condoned the delay. Aggrieved, the petitioners assailed the order in revision before the State Consumer Forum. By the impugned order, the revision came to be dismissed, confirming the order of the District Consumer Forum, which is assailed in the present writ petition.

5. Mr.P.H.Arvind Pandian, learned Senior Counsel for the petitioners contended that the complaint ought to have been filed within a period of 2 years from the date on which the cause of action arose as per Section 69 of the Consumer Protection Act, 2019 [hereinafter referred to as "the Act"]. When the 2nd respondent / complainant was admitted and discharged from the petitioners hospital in August 2019, the limitation prescribed for filing complaint would end in August 2021. Even though the Consumer Forums had the power to condone the delay when sufficient cause is shown as per Section 69 (2), but when the actual delay calculates to a period of 3 years and 4 months, the 2nd respondent only to suppress the actual period of limitation, had conveniently shown as though surgery was performed on 07.10.2022.



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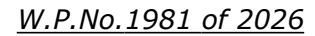
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6. Learned Senior Counsel further submitted that when admittedly 2nd surgery happened in Apollo Hospital and not in the petitioners hospital, the same cannot be a cause of action which can be taken for calculating the period of limitation. Both the District and State Consumer Forums failed to consider this aspect and had merely taken the delay as 95 days. When no sufficient cause has been shown for the huge delay of more than 3 years, the delay ought not to have been condoned merely by stating it as 95 days and sought for interference of this Court.

7. Heard the learned Senior Counsel for the petitioners and perused the materials available on record.

8. The short issue that arises for consideration is as to whether the condonation of delay in preferring the complaint is justified.

9. It is not in dispute that the 2nd respondent/complainant was admitted in the petitioners hospital on 27.08.2019 for delivery and



10. The 2nd respondent was subsequently admitted in the petitioners hospital on 08.09.2019 with complaint of "Fecal incontinence". Surgery was performed for the repair of Recto Vaginal Prolapse and she was discharged on 14.09.2019. Even after the surgery performed by the petitioners, medical condition of Recto Vaginal Prolapse persisted and for which she was treated by the petitioners. In compliance with the instructions and directions of the petitioners, the complainant had underwent 2nd surgery on 07.10.2022 in Apollo Hospital. Even after the 2nd surgery, the medical condition did not improve and it seems 3rd surgery had also been performed.

11. The complainant, in view of the prolonged medical condition, issued legal notice to the petitioners on 24.07.2024 and thereafter filed complaint before the District Consumer Forum along



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with petition seeking to condone the delay of 95 days. It is stated that since the 2nd surgery was made on 07.10.2022, the complaint ought to have been filed on or before 06.10.2024, but however, due to the medical conditions, the same is filed with a delay of 95 days.

12. Section 69 of the Act prescribes the period of limitation for preferring a complaint. For better appreciation, Section 69 is extracted hereunder:-

"69. Limitation Period.- (1) The District Commission, the State Commission or the National Commission shall not admit a complaint unless it is filed within two years from the date on which the cause of action has arisen.

(2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complainant satisfies the District Commission, the State Commission or the National Commission, as the case may be, that he had sufficient cause for not filing the complaint within such period:

Provided that no such complaint shall be entertained unless the District Commission or the State Commission or the National Commission, as the case may be, records its reasons for condoning such delay."



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13. It is the core contention of the petitioners that as per Section 69(1), the complaint ought to have been preferred within a period of 2 years from the date on which the cause of action arose. Since the complainant undertook the surgery in the petitioners hospital in August 2019, the cause of action arose in 2019 and the complaint ought to have been preferred within 2 years, i.e., by August 2021. When the complaint is filed only in the year 2025, there is a delay of 3 years and 4 months. Therefore, unless the 2nd respondent had filed a petition seeking to condone the delay of the entire period showing sufficient cause, the delay ought not to be condoned, allowing the complaint to be taken on file.

14. No doubt, Section 69(1) prescribes a period of 2 years limitation to prefer a complaint from the date of cause of action. The Consumer Forums notwithstanding the period prescribed under Section 69(1), can entertain a complaint after the specified period if the complainant satisfies that there is sufficient cause for not filing the complaint in the prescribed period. The delay could be condoned by recording the reasons. Therefore, even after the prescribed limitation



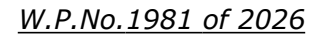
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period of 2 years, the Forum is empowered to condone the delay, if sufficient cause is shown.

15. It has been consistently held that it is not the length of delay that matters, but it is the cause shown which must be considered in condoning the delay. Though it is alleged that the complainant had underwent surgery in the petitioners hospital in the year 2019, it is not in dispute that the medical condition of Recto Vaginal Fistula occurred during the birth of child in the petitioners hospital, for which she was readmitted and surgery came to be performed.

16. It is the specific complaint that only based on the advice and directions of the 2nd petitioner, the complainant underwent 2nd surgery in the Apollo hospital in 2022. Therefore, the complainant had been taking continuous treatment with the petitioners post-surgery and pursuant to the extended medical condition, on advice from the petitioners, the complainant underwent 2nd surgery in the year 2022.

17. It is also to be noted that the medical condition persisted, which led to 3rd surgery. In such a situation, that too, considering the



18. There cannot be a hyper-technical approach in considering delay in the cases of such nature. It is specifically stated that due to the adverse medical condition, on the instructions of the petitioners, the respondent underwent 2nd surgery, even after which the situation did not improve. As such, even though the delivery of child and the 1st surgery had taken place, the same had not yet happened in August 2019, only after the 2nd and 3rd surgeries, it was evident that the medical condition of Recto Vaginal Prolapse had persisted and the 2nd respondent/complainant continued to suffer from the same, which led to filing of the complaint.

19. The merits of the claim is to be adjudicated upon by the District Consumer Forum. From the records, it is evident that the medical complication arose in January 2019, which led to the 2nd surgery in the year 2022 and again 3rd surgery. Though the period of delay mentioned in the petition is from 2022, but still there is sufficient



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cause shown from 2019 itself, even assuming that the delay is to be calculated for a period of 3 years.

20. Considering the facts and circumstances of the present case, particularly when there is sufficient cause shown for the entire period and the Consumer Forums have considered the materials and passed a reasoned order for condoning the delay, we see no infirmity or perversity in the orders passed condoning the delay. Needless to say that the District Consumer Forum shall consider the claim on its own merits, without being influenced by any of the observations made on this order.

21. In view of the above, the writ petition stands dismissed. There shall be no order as to costs. Consequently, interim applications stand closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN, J)
22.01.2026

Index : Yes/No
Neutral Citation : Yes/No
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To

The Chairperson,
State Consumer Dispute Redressal Commission,
at Chennai TNPSC Road,
Park Town, Chennai - 600 003.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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