



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 184 of 2023

WEB COPY

Elavarasi,
W/o. Vinoth Kumar,
No. 2, Main Road, Aranganour,
Seliamedu Post, Bahour Commune,
Puducherry -607 402.

Petitioner(s)

Vs

1.The Secretary to Government,
Ministry of Health and Family Welfare,
Nirman Bhavan, C-Wing,
New Delhi-110 001.

2.Jawaharlal Institute of Postgraduate,
Medical Education and Research,
(JIPMER), Rep. by its Director,
Gorimedu,Puducherry-605 006.

3.Dr. Mathur, Ms (Senior Resident),
Surgeon, Department of Obstetrics and
Gynecologist Jawaharlal Institute of
Postgraduate Medical Education and
Research, (JIPMER) Gorimedu,
Puducherry - 605 006.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India,
praying for an issuance Writ of Mandamus, directing the Respondents to pay



compensation for a sum of Rs. 20,00,000/-(Rupees Twenty Lakhs only) for loss of petitioners child on 15.05.2020 due to the negligence of the 3rd respondent.

For Petitioner: Mr.P.Pandiyaraj

For Respondent(s): Mrs.S.Anitha
Special Government Pleader For R1

Mr.M.T.Arunan For R2 & R3

ORDER

This writ petition has been filed seeking to direct the respondents to pay the compensation of Rs. 20,00,000/-(Rupees Twenty Lakhs only) for the loss of petitioner's child on 15.05.2020, due to the negligence of the 3rd respondent.

2.Learned counsel for the petitioner would submit that the petitioner was admitted in the 2nd respondent Hospital for delivery. Due to the negligence of the respondents 2 and 3, while performing the delivery, the petitioner lost her child. Therefore, the petitioner made a complaint to the 2nd respondent to take action against the concerned Doctors. Pursuant to the petitioner's complaint the Superintendents of the 2nd respondent formed a Committee and an enquiry report has also been submitted by the Committee stating that the junior doctors did not kept proper advice from the 3rd respondent. Further, the petitioner has also sent a legal notice to the respondents 2 and 3 seeking compensation for their negligence act. However, till date there is no response for the said legal



notice. Hence, the present writ petition has been filed.

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3.Learned counsel appearing for the respondents 2 and 3 would submit that the delivery was performed to the petitioner with due compliance of the medical procedure. Based on the complaint given by the petitioner, a Committee was also appointed and on 04.06.2020, the Committee has submitted their report stating that the baby was given all support as per the protocol.

4.For better appreciation, Paragraph No.5 of the enquiry report dated 04.06.2020 is extracted hereunder:-

“During the stay in the NICU, the baby was given all support as per protocol under the supervision of consultants. The mother was also appraised and counselled regarding prognosis on day to day basis, a protocol followed as a routine in the NICU. She was allowed to see the baby in the level III NICU. The same has been confirmed from the records.”

5.Heard the learned counsel for the petitioner; learned Special Government Pleader appearing for the 1st respondent and the learned counsel appearing for the respondents 2 and 3.



6. Considering the submissions made by either parties, this Court is of the view that though the petitioner contend that the petitioner lost her child due to the negligence of the respondents 2 and 3, according to the enquiry report, the baby was given all support as per protocol under the supervision of consultants. However, it is seen from the enquiry report that the resident involved in the present case was not examined in the manner known to the law. Such being the case, the right course available for the petitioner is to approach the Civil Court.

7. In view of the above, this writ petition is dismissed with liberty to approach the Civil Court within a period of three months from the date of receipt of a copy of this order. No costs.

12-03-2026

rst

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Secretary to Government
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