2026:MHC:4376

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 41675 of 2026
CNR:{HCMA012253962026}
AND
WMP NO. 46741 OF 2026

M/s.Mahatma Gandhi Medical College And
Research Institute, Pilliyarkuppam,
Cuddalore Main Road,Pondicherry,
represented by its authorised signatory,
Mrs.Zaibunnesa Begum

..Petitioner

Vs

1. M.Prabavathi,
   W/o.Mathivannan,
   Angalamman Koil Street,Nallavadu,
   Ariankuppam Commune,Pondicherry.

2. Union of India,
   represented by its Chief Secretary,
   Government of Puducherry,
   Puducherry.

3. Mahatma Gandhi Post Graduate Institute of
   Dental Sciences,
   Gorimedu,Puducherry,
   represented by its Director

4. Indira Gandhi Government General Hospital
   and Post Graduate Institute,
   Puducherry,represented by its Medical
   Superintendent.

..Respondents

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Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the proceedings is of the National Consumer Disputes Redressal Commission New Delhi dated 22-07-2026 made in Revision Petition number NC/RP/642/2026 confirming the order passed by the State Consumer Dispute Redressal Commission Pondicherry dated 28-01-2026 in MA No.34 of 2025, dismissing the petition to condone the delay, and quash the Same and Condone the Delay in Filing the appeal Directed the State Consumer Commission Pondicherry to take the FA.

For Petitioner(s): Mr.M.Devaraj

For Respondent(s): Dr. B. Ramaswamy
Additional Government Pleader
For R 2 And 4

Order

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been instituted challenging the order dated 22.07.2026 passed by the National Consumer Disputes Redressal Commission (NCDRC), New Delhi in Revision Petition No.642 of 2026.

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2. The first respondent filed a complaint before the District Consumer Forum claiming a compensation of Rs.10 Lakhs on the allegations of medical negligence. The District Forum allowed the complaint by awarding a compensation of Rs.7 Lakhs and Rs.20,000/- towards costs. Challenging the said order of the District Forum, the writ petitioner preferred an appeal before the State Consumer Disputes Redressal Commission at Puducherry. There was a delay of 273 days in filing the appeal before the State Forum and the petition for condonation of delay was dismissed by the State Forum.

3. The writ petitioner preferred a Revision Petition in R.P.No.642 of 2026 before the National Consumer Disputes Redressal Commission, New Delhi. The National Commission upon adjudication, made a finding that the grounds taken by the writ petitioner to condone the delay of 273 are insufficient. The ground regarding the death of the legal officer need not be considered in view of the fact that the other officials in the institution ought to have initiated steps to move the appeal before the State Forum within the time limit as contemplated under the Act.

4. Learned counsel for the writ petitioner would submit that the order of the District Commission was passed on 31.07.2024, however the free copy of

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the same was not served till 21.08.2024. The legal officer in-charge, by a communication dated 26.08.2024 requested the Registry of the District Forum to furnish a copy of the order. Subsequently, the legal officer fell sick and died on 05.02.2025. The other staff in the administration was in dark about the receipt of the copy of the order and about filing of the appeal before the State Forum. Only on receipt of notice in the Execution Petition, the writ petitioner came to know about the fact regarding receipt of the order copy and filing of an appeal before the State Forum. Thus, the appeal was filed with a delay of 273 days before the State Forum.

5. Learned Government Pleader (Puducherry) would oppose by stating that the legal officer died on 05.02.2025 long after serving of copy of the order passed by the District Forum on 28.08.2024 ie., after six months from the date of serving of the copy of the order. Therefore, other officials working in the petitioner institution ought to have initiated action to prefer the appeal in time. Since the delay caused was not explained appropriately and not to the satisfaction of the State Forum, the condone delay petition was dismissed and the National Commission confirmed the order in the Revision Petition. That apart, the period of six months delay remains unexplained and therefore, the present writ petition is to be rejected.

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6. This Court is of the considered view that uncondonable delay cannot be condoned in a routine manner. However, certain mitigating circumstances are to be considered by the Courts depending on the nature of disputes or the issues involved in a litigation. Mechanical approach in condone delay petitions are unnecessary since the rights of the parties are always to be adjudicated on merits and in accordance with law. No doubt, the law of limitation is substantive and an aggrieved person is expected to file an appeal within the timeline contemplated under the Statutes and Rules in force. However, certain reasons, though not completely satisfactory, the Courts in those circumstances has to consider the nature of the issues and disputes involved so as to pave way for the litigants to adjudicate the issues on merits.

7. The Hon'ble Supreme Court of India in the case of **Inder Singh -vs- State of Madhya Pradesh (2025) INSC 382** held that, "delay cannot be condoned without sufficient cause, but a major aspect which must be kept in mind is that if in a particular case, the merits have to be examined, it should not be scuttled merely on the basis of limitation."

8. The short facts of the present case would show that it is a case of medical negligence. The District Forum awarded compensation against the

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writ petitioner. There was a delay of 273 days in filing the appeal before the State Forum. The reason stated is that there was a delay in securing the free copy of the order passed by the District Forum and on receipt of such order and within six months, the legal officer who handled the case died. The administration was in dark about the receipt of order copy and preferring of an appeal before the State Forum. These kind of reasons sometimes happens in institutions and if the issues are not decided on merits, it will have larger impact on the medical institutions. Thus, the Courts are expected to consider such nature of issues / disputes for adjudication on merits.

9. In view of the facts and circumstances, this Court is of the considered view that the delay needs to be condoned and the issues are to be adjudicated on merits and in accordance with law. Consequently, both the impugned order dated 22.07.2026 passed in Revision Petition No.NC/RP/642/2026 on the file of the National Consumer Disputes Redressal Commission, New Delhi, and the order of the State Consumer Dispute Redressal Commission dated 28.01.2026 in M.A.No.34 of 2025 are set aside. The State Consumer Dispute Redressal Commission is directed to take the appeal on file, number the same and adjudicate the issues on merits and in accordance with law.

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10. With the above observations and directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.R.V.,J.)
28-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KST

To

1. The Chief Secretary,
   Government of Puducherry,
   Puducherry.

2. The Director
   Mahatma Gandhi Post Graduate Institute of Dental Sciences,
   Gorimedu, Puducherry.

3. The Medical Superintendent,
   Indira Gandhi Government General Hospital and Post Graduate Institute,
   Puducherry.

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