

inquiry, and during inquiry, it was found that operation was performed by respondent No.2, however, no further action was taken, which propelled the petitioner to file a petition before the Permanent Lok Adalat. However, the said petition was dismissed on account of delay, while entertaining the objection preferred by the respondent under Order 7 Rule 11 CPC. The order of dismissal, caused grievance and propelled the petitioner to file the instant petition.

4. This Court has considered the submissions made by the learned counsel for the petitioner and has perused the entire file.

5. Admittedly, the petitioner's claim is time barred as procedure of tubectomy was conducted upon the petitioner in the year 2010, and a female child was born in October, 2015, whereas, the petition before the PLA Court was filed in October, 2018. The petitioner is unable to satisfy this Court with regard to the cause of delay. Further, the issue of negligence is highly contested issue involving adjudication of oral as well as documentary evidence. Therefore, in absence of any apt plausible terms of settlement, same cannot be adjudicated by the PLA, specifically, when the respondents are maintaining fixed postures, denying negligence. Above all, it is not under dispute that there are possibility of failure of procedure of tubectomy amongst 2% to 7% of the persons. Unfortunately, the petitioner may be one of them.

6. Therefore, this Court does not find any error or perversity in the order passed by the PLA, and the instant petition stands **dismissed**.

25.02.2025

Parveen kumar

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No