



**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA-4996-2019 (O&M)
Date of decision : 25.03.2025**

State of Haryana and others ...Appellants

Vs.

Smt. Rani ...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vibha Tewari, AAG, Haryana.

Mr. Arjun Sheoran, Advocate
Ms. Tejasvi Sheokand, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The defendant/State of Haryana assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing plaintiff's suit for damages to the extent of Rs.2,00,000/- alongwith interest @ 9% per annum. It is case of the plaintiff that on 24.03.2011, she came to Government hospital for check-up. She was motivated by the staff of the Hospital to undergo Tubectomy (family planning operation), which was conducted. However, the Doctors failed to examine whether the plaintiff was already pregnant or not. Subsequently, she gave birth to male child on 20.10.2011.

2. Both the Courts have found that the Doctors in the Hospital failed to conduct ultrasound in order to know whether she was already pregnant or not. Thus, the Courts have ordered recovery of Rs. 2,00,000/- alongwith



interest.

3. Learned counsel representing the appellant submits that there is a scheme, which allows compensation of Rs.30,000/-, in case of failure of sterilization of the operation. She submits that the Courts have erred in ordering recovery of Rs. 2,00,000/-.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. The scheme is a unilateral scheme issued by the Government. The Court is required to assess actual damages.

6. Learned counsel representing the appellant did not make any other submission.

7. Keeping in view the aforesaid facts, no ground to interfere is made out.

8. Hence, the appeal is dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

25.03.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No