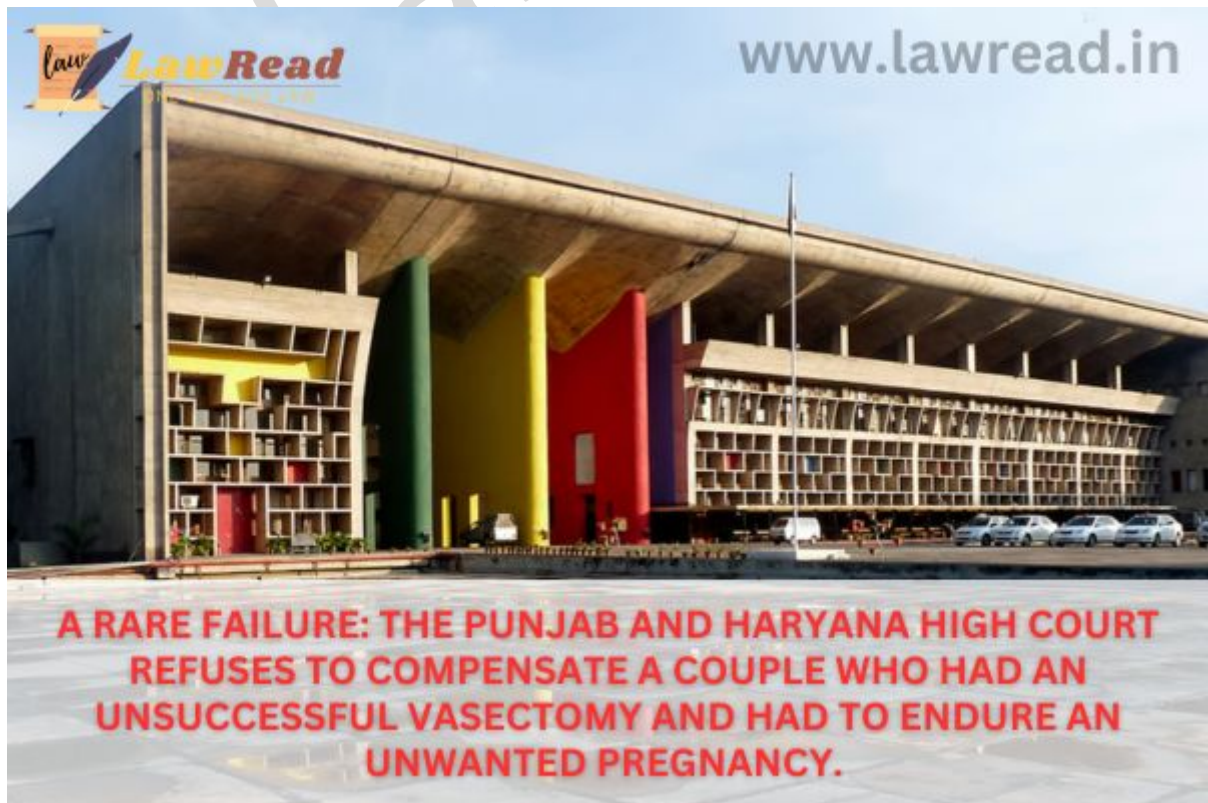


News

A rare failure: The Punjab and Haryana High Court refuses to compensate a couple who had an unsuccessful vasectomy and had to endure an unwanted pregnancy.

The State Government filed an appeal against the Trial Court's decision to accept the Plaintiff-couple's appeal, which the Punjab & Haryana High Court was now reviewing.



The Punjab & Haryana High Court noted that it is an uncommon failure when refusing to compensate a couple who had an unintended childbirth due to an unsuccessful vasectomy procedure.

The State Government filed an appeal against the Trial Court's decision to accept the Plaintiff-couple's appeal, which the Court was reviewing.

The lone bench of **Justice Nidhi Gupta** noted, "Undoubtedly, Ram Singh's vasectomy was unsuccessful, but the learned lower appellate court should have taken into account the fact that the plaintiffs did not dispute that Dr. R.K. Goel had carried out hundreds of such procedures. According to the data, the likelihood of a vasectomy failing is extremely low, with percentages ranging from 0.3% to 9%. The plaintiffs were among that uncommon group. This would hardly suggest that defendant No. 4 was careless. The learned lower appellate court has also not taken into account that, according to the certificate given to the plaintiffs, it was made explicit that the defendants would not be held liable in the event that the operation failed.

Advocate Rajwant Kaushish represented the Respondent, while **Additional Advocate General Dushyant Saharan** represented the Appellant.

Case Facts

The plaintiffs, who are a husband and wife, had sued the state twice to recover ₹2 lakh. They argued that Defendant No. 4 performed their vasectomy in 1986 as part of their family planning procedure. The plaintiffs allegedly complied with the warning to refrain from sexual activity for three months. Their complaint was that, in spite of exercising appropriate caution and care, the plaintiff-wife became pregnant, and the plaintiff-husband was told that the vasectomy procedure had failed when he had a test at the hospital. As a result, they welcomed an unwanted and unwanted member of their family into their family—their fifth child, or fourth girl. It was argued that the Defendants' careless actions had caused the Plaintiffs to suffer from severe physical suffering in addition to emotional distress. As a result, ₹2 lakh in damages were requested.

According to the appellant's counsel, the plaintiff had expressed his willingness to have a vasectomy in exchange for an agreement that the defendant would not be held accountable if the procedure went wrong, therefore they could not be held liable. The Supreme Court's rulings in "*Civil Hospital & Others Vs. Manjit Singh & Another*" and "*State of Punjab Vs. Shiv Ram & Others*" were cited.

On the other hand, the respondent's attorney contended that a vasectomy procedure that fails and the woman becomes pregnant stigmatizes and isolates her from society. It was argued that in a culture such as India, people doubt the wife's character because she fell pregnant after having a vasectomy. Thus, it was claimed that the plaintiffs had experienced pain.

Court Reasoning

Since the Plaintiff-Husband did not provide any evidence that they were not negligent, the Court recognized right away that they had not taken any precautions. It was added that even though the pregnancy was deemed unnecessary, no good explanation was offered for why it wasn't ended.

The Court came to the conclusion that since the doctor's failure was uncommon, the government could not be held liable.

As a result, the appeal was denied.

Title of Cause: Ram Singh & Others vs. The State of Haryana & Others
(2025:PHHC:048902)

Attendances:

Respondents: Advocate Rajwant Kaushish and Advocate Deep Inder Singh Walia

Appellant: Additional Advocate General Dushyant Saharan

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