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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 186/2018 & CM APPL. 40785/2018**

SAURAV SUKHIJA Petitioner
Through: Mr. Pankaj Batra, Advocate.

versus

GOVT OF NCT DELHI Respondent
Through: Mr. Rakesh Singh, Adv for R-1.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **01.10.2018**

Vide the present transfer petition, the petitioner seeks the withdrawal of proceedings in relation to MHA 3/16 from the Court of the learned District & Sessions Judge, West and submits that it be assigned to the Court of the learned District & Sessions Judge, Central (HQ) at Tis Hazari Courts with other prayers at clause (b) & (c) to the effect:-

“(b) And direct all the District And Sessions Judge of Delhi to deal with the Mental Health Act cases of another District And Sessions Judge on the eve of Leave or vacant post of the Mental Health Act Matters; AND/OR

(c) And direct the Registrar of Delhi High Court to bring the attention of the Rules Committee of Delhi High Court for the framing of Appropriate

rules/circular or notification so that Mental Health cases and other important cases pending before District and Sessions Judge do not (go) unheard on account of vacant post or on leave.”

It has been submitted on behalf of the petitioner that the matter is at the stage of final hearing since 31.08.2017 but in view of the retirement of the previous incumbent of the office of the learned District & Sessions Judge, West that there being no other incumbent posted till now, the litigant is suffering.

It has *inter alia* been submitted through the petition that the applicant is mentally ill and cannot operate his bank account or PPF which has since matured and can only be done through a next friend which prayer cannot be considered in view of the pendency of the MHA proceedings in MHA 3/16.

Submissions on behalf of the respondents have been addressed. As regards, prayer clause (b) & (c), it is not considered appropriate to pass any orders in relation thereto, inasmuch as it is not always that there is no incumbent in each Court of the District & Sessions Judge. However, undoubtedly as since November, 2017 till date, there is no incumbent in the post of the District & Sessions Judge (West) and submissions made in the present petition that the petitioner who is mentally ill cannot operate his bank accounts or PPF which has since matured due to the pendency of the MHA proceedings in MHA 3/16, in the circumstances of the instant case, the proceedings in relation to MHA 3/16 are withdrawn from the Court of the learned District & Sessions Judge, West and assigned to the learned District & Sessions

Judge, Central (HQ), Tis Hazari Courts to proceed further in accordance with law.

The parties are directed to appear before the learned District & Sessions Judge, Central (HQ), Tis Hazari Courts on 01.11.2018 with the records of the said proceedings be also placed before the said learned Court.

Copy of this order be also sent to the learned Registrar General of this Court.

ANU MALHOTRA, J

OCTOBER 01, 2018/ NC