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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 02nd August, 2021

+ LPA 216/2021 & C.M. Nos.23590/2021, 23591/2021, 23592/2021
& 23593/2021

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..... Appellant

Through: Ms. Harini Raghupathy, Advocate

versus

HINDU RAO HOSPITAL & ORS.

..... Respondents

Through: None

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D. N. PATEL, CHIEF JUSTICE (ORAL)

Proceedings have been conducted through video conferencing.

CM No. 23592/2021 (condonation of delay of 694 days in filing the appeal)

The present application has been preferred under Section 151 CPC for condonation of delay of 694 days in filing the present appeal.

Having heard learned counsel for the appellant and looking to the reasons stated in the application, we are of the view that the Appellant has made out a sufficient cause for condonation of delay in filing the appeal. The delay of 694 days is hereby condoned.

Application is allowed and disposed of.

LPA 216/2021 & CM No.23590/2021 (Exemption), CM No.23591/2021 (permission to file lengthy synopsis, etc.), CM No. 23593/2021 (Exemption)

1. Being aggrieved and feeling dissatisfied by the order dated 07.05.2019 in W.P.(C) No.4755/2019, present Letters Patent Appeal has been preferred by the original Petitioner. For ready reference, prayers in the writ petition are as follows: -

“(a). For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to provide the Child Death Review and all medical records related to the delivery of the Petitioner.

(b). For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to conduct independent enquiry and take necessary action against the concerned medical healthcare providers at Respondent no.1 hospital for their negligence.

(c). For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to provide the Petitioner with benefits under various Government schemes.

(d). For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to reimburse the petitioner to the extent of Rs.50,000/- for all the expenses incurred due to the Respondent no.1's negligence and denial of maternal healthcare.

(e). For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the respondents to compensate the loss of infant due to the negligence of the Respondent No.1.

(f). For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the

respondents to compensate adequately for the mental and physical trauma caused to the Petitioner.

(g). For any other such suitable order (s) that this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case and in the interest of justice."

2. We have heard the learned counsel for the Appellant and looked into the facts and circumstances of the case. The Appellant had filed the writ petition, *inter alia*, seeking directions to the Respondents to provide Child Death Review and all medical records relating to the delivery of a child by the Appellant. The main grievance of the Appellant is that several requests were made by the Appellant to the Hospital Authorities but the requisite records were not made available.

3. There cannot be a dispute that a complete mechanism is available under the Right to Information Act, 2005 to the Appellant for seeking requisite information and it is open to the Appellant to resort to the said remedy by preferring an application to the concerned CPIO/SPIO of the concerned Hospital under Section 6 of the said Act. In case the information is not furnished, Appellant would have a remedy of first appeal under Section 19(1) and thereafter, the remedy of second appeal is also provided under Section 19(3) of the Act. However, the Appellant had directly approached the writ Court without exhausting the available remedies.

4. We find that the learned Single Judge in the impugned order has given a categorical finding that the Appellant has not placed any material on record to establish that the information was sought from Respondent No.1 but was declined. Learned counsel for the Appellant is unable to rebut the said finding. In any event, the learned Single Judge has permitted the

Appellant to approach Respondent No.1 by filing an appropriate application seeking the documents/records which the Appellant desires or considers necessary and a further direction has been issued to Respondent No.1 to provide to the Appellant the copies of the records as and when sought by her. Going a step further, the learned Single Judge has also observed that in case the Appellant is able to establish the allegations of non-supply of documents, she would be at liberty to apply afresh.

5. In view of the aforesaid, we see no reason to entertain this appeal. Liberty is granted to the Appellant to seek the necessary and required documents from Respondent No.1 in accordance with the liberty granted by the learned Single Judge and/or resort to remedies available to her under the Right to Information Act, 2005.

6. With these observations, the appeal along with pending applications is disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

AUGUST 02, 2021

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