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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5663/2017**

UNION OF INDIA AND ORSPetitioners
Through: Ms. Sarika Yadav, Adv. for
Mr. Sushil Raaja, SPC
versus

MAHESH KUMAR BHARTIRespondent
Through: Mr. Manoj Gupta and
Mr. Praney Jain, Adv.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT (ORAL)
07.10.2024

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C. HARI SHANKAR, J.

1. Ms. Sarika Yadav, learned Counsel, seeks an adjournment on the ground of non-availability of learned Counsel for the petitioners.
2. We are unwilling to accommodate the request for two reasons.
3. The first is that the petitioners have repeatedly been taking adjournments for the past several dates. On 19 May 2023, the matter had to be adjourned because the Counsel for the petitioners was not available when it was called out. Thereafter, on 16 November 2023, again there was no appearance for the petitioners. On 15 May 2024, the matter was adjourned at the request of learned Counsel for the petitioners. On 3 October 2024, there was again no appearance on behalf of the petitioners. On 4 October 2024, again a pass-over was sought, which was not possible and it was specifically directed that the matter would be placed in the Supplementary List today and would be



taken up at first call. Today, again an adjournment is sought on the ground that the petitioners is unwell/not available.

4. This Court cannot continuously adjourn matters *ad nauseam*.

5. The second reason why we are not inclined to grant the request is because the order under challenge in the present petition merely directs the petitioners to scrutinise the medical bill of the respondent keeping in view the principles laid down by the Supreme Court in its judgment in *Suman Rakheja v State of Haryana*¹ and, in case any amount is found due to him, to pay the said amount within ninety days. The matter has been left to the discretion of the petitioners. We, in fact, are perplexed at why the petitioners have even chosen to file the present petition and even more perplexed at the fact that it has lingered in this Court for six years.

6. We are not willing to allow this petition to linger on any further.

7. Clearly, there is no sustainable cause of action for the petitioners to maintain this petition. The petition is accordingly dismissed.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

OCTOBER 7, 2024/j

[Click here to check corrigendum, if any](#)

¹(2004) 13 SSC 562