

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin
Complaint No. C-266/Lok/2009/

Dr. Harsh Vardhan,

Vs.

Smt. Sheila Dikshit, Chief Minister, NCT of Delhi.

Present:

- 1 Ms. Sunita Bhardwaj, Counsel for the Complainant with Dr. Harsh Vardhan, Complainant - in person.
- 2 Mr. Sandeep Mittal, Counsel for the Respondent.

An application has been moved by the Respondent's Counsel seeking postponement of Complainant's cross examination, scheduled for today. The application is signed by the Counsel Mr. Mehmood Pracha. While expressing his inability to be present before the forum for cross examination of the Complainant, the reason therefor is reproduced.

"The counsel for the Respondent respectfully expresses his inability to present himself before this Hon'ble Court for cross examination of the Complainant, as he has to undergo a medical checkup due to severe pain in the tooth on the said date and therefore would be unable to carry out the cross examination of the Complainant."

Counsel for the Complainant Ms. Sunita Bhardwaj opposes the application submitting that Mr. Sandeep Mittal, Advocate is present and being a competent counsel, who is also engaged in the case, the matter can go on.

Request for adjournment on medical grounds of a counsel is given due regard by the court and is accepted. In this case, it may be noticed that apart from plea of toothache, the Respondent has also failed to comply with the direction given in the order dated 4.2.2011, for filing of affidavit by way of evidence on which there is no plausible cause shown or even attempted. Mr. Mittal submits that he had informed the Complainant's

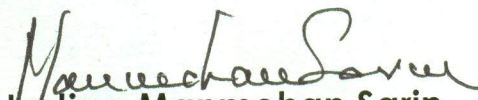
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Counsel of seeking adjournment on the 7th of February itself of the above ground.

The Respondent, vide the said order was required to file her affidavit by way of evidence within two weeks of the receipt of the affidavit of the Complainant which was served on the Respondent's Counsel on 17th February, 2011. Accordingly latest by 4th of March, 2011, the affidavit should have been filed. Be that as it may, in these circumstances, the request for adjournment is allowed, subject to the condition that on the next date, if the cross examination is not conducted, either by Mr. Mehmood Pracha or any appointed counsel, right to cross examination shall stand closed. Further time is granted for filing of affidavit by way of evidence of the Respondent. The affidavit of the Respondent be filed by 21st March, 2011, subject to the condition that if the affidavit by way of evidence is not filed, right to file the same shall stand closed without any further notice.

At this stage, Counsel for the Complaint submits that the Complainant's statement with regard to the tendering of his affidavit and complaint as filed, may be recorded. Counsel for the Respondent has no objection to the same.

Statement of Dr. Harshvardhan, in chief has been recorded. Cross examination deferred at the request of the Counsel for the Respondent. The case now to come up on **18th and 19th April, 2011 at 2.30 PM** for cross examination of Dr. Harshvardan, and on **20th April, 2011 at 2.30 PM** for Respondent's evidence.


Justice Manmohan Sarin
Lokayukta

Dated : 09.02.2011
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