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

% Judgment delivered on: 21.04.2017

+ W.P.(C) 3412/2017

KHANNA HOSPITAL & ANR ..... Petitioners

versus

DELHI MEDICAL COUNCIL & ORS ..... Respondents

**Advocates who appeared in this case:**

For the Petitioner : Mr. K.G. Sharma, Advocate.

For the Respondents : Mr. Praveen Khattar, Advocate for respondent No.1.  
Mr. T. Singhdev with Ms. Biakhansangi, Advocate for respondent No.2.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**  
**21.04.2017**

**SANJEEV SACHDEVA, J. (ORAL)**

**CM No.14920/2017 (exemption)**

Exemption is allowed subject to all just exceptions.

**W.P.(C) 3412/2017 & CM No.14919/2017 (stay)**

1. The petitioner seeks quashing of order dated 16.03.2017, passed by the Delhi Medical Council – respondent No.1, on the complaint lodged by the respondent No.3, whereby the Delhi Medical Council, finding the petitioner guilty of negligence, directed removal of the name of the

petitioner No.2 for a period of 90 days. The respondent Nos.1 and 2 appear on advance notice.

2. The petitioner has impugned the order dated 16.03.2017, passed by the Delhi Medical Council, before the Medical Council of India. It is contended that the appeal is not likely to be taken up for hearing immediately. Learned counsel for the Medical Council of India confirms that the process of scrutiny etc. takes some time and the appeal would be listed in due course and, thereafter, the hearing would be commenced.

3. The penalty imposed by the Delhi Medical Council, by the impugned order, has already come into force with effect from 16.04.2017. Since the appeal is not likely to be heard immediately and the penalty imposed has come into effect, the appeal of the petitioner cannot be rendered infructuous on account of the Medical Council of India not being in a position to take up the appeal for hearing before the period of removal comes to an end.

4. Consequently, the writ petition and the application are disposed of with a direction to the Ethics Committee of the Medical Council of India to dispose of the petitioner's appeal as expeditiously as possible. Till the appeal is disposed of, it is directed that the operation of the impugned order dated 16.03.2017, passed by the Delhi Medical Council, shall remain stayed.

5. *Dasti* under the signatures of the Court Master.

**APRIL 21, 2017/st**

**SANJEEV SACHDEVA, J**

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