

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.13078 of 2018
Date of Decision: 04.07.2018

Dr. Gagandeep Kaur Petitioner
Vs.
State of Punjab and others Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.S.S. Hira, Advocate, for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner was married to respondent No.4 on 31.12.2007. They have two children. They are not pulling on well and are living separately. The petitioner is at present working in Gujarat. She claims to be the owner of the private hospital called Guru Nanak Dental Clinic and Physiotherapy Centre, Chandigarh Road, Garhshankar, District Hoshiarpur. Her allegation is that respondent No.4 has forcibly occupied her hospital and is unauthorisedly running it. She served a legal notice to respondents No.2 to 4 to stop running the said hospital which is allegedly being illegally run by respondent No.4. Respondent No.3 constituted a Board of Doctors namely, Dr. Novjot Singh, Dr. Jaswant Singh and Dr. Gurinderjeet Singh, who reported that the said hospital was checked on 25.1.2018 and on inspection it was found that it is being run by Dr. Ashutosh Chadha and respondent No.4 was nowhere there. The petitioner is not satisfied with the said report and has preferred this petition seeking a writ in the nature of mandamus for the issuance of a direction to respondents No.1 to 3 to close

the said hospital which is being run by respondent No.4 in connivance with unauthorized persons.

Learned counsel for the petitioner has vehemently argued that the report of the Board of Directors cannot be relied upon because respondent No.4 has the access to the said doctors. It is also submitted that the petitioner has been harassed by respondent No.4, who has not only thrown her out of the matrimonial home on account of which a separate litigation is going on between them but also occupied the premises of the hospital raised by her.

I have heard learned counsel for the petitioner in detail and after taking into consideration the facts and circumstances narrated in this petition, am of the considered opinion that there is no merit in the contentions raised by counsel for the petitioner because the allegation made by petitioner that the hospital belongs to her and is being run by respondent No.4 unauthorisedly requires evidence for which a Civil Suit may be a solution.

In view of the above, there is no reason for this Court to doubt the report of the Board of Doctors which was constituted on the asking of the petitioner when she had served the legal notice to respondent No.3. Thus in the absence of any cogent evidence on record, there is hardly any reason for this Court to interfere in this petition.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

04.07.2018

Vivek

Whether speaking /reasoned : Yes/No
Whether Reportable : Yes/No