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

+ LPA 442/2018, CAV. 728/2018, CM NOS.32395-32397/2018

M/S THEMIS MEDICARE LTD.

..... Appellant

Through Mr. A. M. Singhvi, Sr. Advocate and
Mr. Rajeev Bansal, Sr. Advocate with
Mr. Vijay Kumar Singh, Mr. Rajdutt
S. Singh, Ms. Fiza Saluja, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Kirtiman Singh, CGSC with Mr.
Rishikant Singh, Mr. Prateek Dhanda
and Mr. Waize Ali Noor, Advocates
Mr. Rahul Verma, Advocate for State
of Uttarakhand

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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13.08.2018

Arguments on the interim application are being heard by the
Single Judge.

In the aforesaid situation, it would not be appropriate for this
Court as an appellate forum to examine and consider the same issue
i.e. grant of interim injunction.

Next date of hearing before the learned Single Judge is fixed on
23.08.2018. Earlier, the writ petition and interim application was
listed on 27.07.2018, 02.08.2018 and 03.08.2018.

At this stage, it is pointed out that order dated 03.08.2018 directs Dr. Sachin D. Patel to be present in the Court on the next date of hearing i.e. 23.08.2018 as he has filed an affidavit dated 01.08.2018. Learned Senior Advocate for the appellant submits that *prima facie* the view expressed in paragraph 2 of the order dated 03.08.2018, is incorrect in view of the assertions made in paragraphs 6 to 11 of the said affidavit. We would only observe that paragraph 2 of the order dated 03.08.2018 refers to *prima facie* view and is not the firm view and finding.

It is open to Dr. Sachin D. Patel to file an additional affidavit pointing out their position and also seek exemption from personal appearance. If the said request has merit, it may be considered. We would not examine this aspect in an intra court appeal.

Recording the aforesaid, appeal is dismissed. We clarify that we have not commented on merits and all rights of the parties are left open.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

AUGUST 13, 2018/b