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

+ W.P.(C) 10076/2018

SIR GANGA RAM HOSPITAL AND ORS. Petitioners

Through: Mr Subhash Kumar and Ms Anunaya
Mehta, Advocates.

versus

DELHI MEDICAL COUNCIL AND ORS. Respondents

Through: Mr Praveen Khattar, Advocate for R-
1.
Mr Kaustubh Anshuraj, Advocate for
R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.09.2018**

C.M. No. 39299/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 10076/2018 & C.M. No.39298/2018

2. The petitioners have filed the present petition impugning an order dated 29.08.2018 passed by respondent no.1 (Delhi Medical Council – hereafter ‘DMC’) relating to the treatment of respondent no.3 (Shri Davinder s/o Late Shri Dunga Ram). All the three petitioners have filed a composite appeal before respondent no.2 (Medical Council of India – hereafter ‘MCI’) impugning the aforesaid order.

3. The limited relief sought by the petitioners in this petition is for staying the operation of the order dated 29.08.2018 till the MCI takes a final

view on the same. Concededly, MCI does not have the jurisdiction to pass an ad interim order. Indisputably, if the impugned order is not stayed, the appeals preferred by the petitioners would be rendered infructuous. In this view, the relief sought for by the petitioners is warranted.

4. The petition is, accordingly, allowed to the extent that the impugned order is stayed till MCI takes a final view.
5. The pending application stands disposed of.
6. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

SEPTEMBER 25, 2018
MK