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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 535 OF 2018
IN
WRIT PETITION NO.1774 OF 2016
WITH
WRIT PETITION NO. 1774 OF 2016**

Maharashtra Medical Council	... Applicant
<i>In the matter between</i>	
Nitin S. Rahaney	... Petitioner
V/s.	
The Maharashtra Medical Council and Ors.	... Respondents

Mr. Mihir Desai, Senior Advocate I/b Swaraj Jadhav, for the Petitioner.
Mr. Rahul Nerlekar, for Respondent No.1.
Mr. Uday P. Warunjikar with Siddhesh Pilankar, for Respondent No.2.

**CORAM: A.A.SAYED &
 RIYAZ I. CHAGLA, JJ.**
DATE: 6TH MARCH, 2019.

PC:-

1. By consent of the learned Counsel for the parties, we pass the following order:

(i) The impugned orders dated 15th February, 2016 and 31st March, 2016 are set aside. The matter is remanded to the Respondent No.1 – The Maharashtra Medical Council to take a decision afresh.

(ii) We make it clear that the matter before the Respondent No.1 shall proceed from the stage of cross examination of the expert witness of Respondent No.2.

(iii) Since the complaint is of the year 2015, it is expected that the decision is taken expeditiously.

2. The Petition is disposed of in the aforesaid terms.

3. The Notice of Motion No.535 of 2018 taken out by Respondent No.1 The Maharashtra Medical Council, is allowed to the extent of return of the original inquiry file which is in the custody of the Prothonotary and Senior Master of this Court. The same shall be handed over to the learned Counsel for the Respondent No.1 – The Maharashtra Medical Council.

(RIYAZ I. CHAGLA J.)

(A.A.SAYED, J.)