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

+ LPA 378/2019

DR P K GUPTA

..... Appellant

Through: Mr.J.P.Sengh, Sr.Advocate,
Dr.M.C.Gupta, Mr.R.K.Pandey, Ms.
Manisha Mehta, ms. Mrigna Shekhar,
Mr. Shashi Pratap Singh, Advocates.

versus

DELHI MEDICAL COUNCIL & ANR Respondents

Through: Mr.Vinay Kumar Garg, Sr.Advocate,
with Mr. Praveen Khattar, Advocate
for R-1.
Mr.T.Singhdev, Mr.Tarun Verma,
Ms. Biakthan Sangi, Ms.Puja Sarkar,
Ms.Arunima Pal, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

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28.05.2019

C.M.Nos.26362-365/2019 (Exemption)

Allowed, subject to all just exceptions.

The applications stand allowed.

LPA 378/2019 & C.M.No.26361/2019

1. The appellant is aggrieved by an order dated 14.05.2019, passed by the learned Single Judge wherein it is recorded that arguments had been partly heard and the matter deferred for further hearing to 06.08.2019. Further, the appellant is aggrieved by an order dated 01.02.2019, whereby while staying the proceedings relating to prosecution launched by the respondent No.1 against him, he has been restrained from practicing as a Medical practitioner in the NCT of Delhi till the next date of hearing. Vide

order dated 14.05.2019, the stay order has been continued.

2. Mr.J.P.Sengh, learned Senior counsel appearing for the appellant submits that great hardship has been caused to the appellant due to the interim order restraining him from practicing as a medical practitioner in Delhi, more so since he has taken remedial steps by getting his licence renewed. This fact was also brought to the notice of the learned Single Judge on filing an application, (C.M.No.22398/2019).

3. If the appellant is aggrieved by the long date given in the writ petition, he ought to have moved an application before the learned Single Judge explaining his predicament. But this cannot be a ground for this court to interfere or change the date fixed in the petition.

4. Learned counsel for the appellant states that he may be permitted to withdraw the present appeal while reserving the right of his client to approach the learned Single Judge with an appropriate application for advancing the date of hearing.

5. If such an application is moved, the learned Single Judge is requested to consider the same and pass appropriate orders thereon in accordance with law.

6. The appeal is disposed of alongwith the pending application.

HIMA KOHLI, J

TALWANT SINGH, J

MAY 28, 2019/*mr*