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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 57/2020 & CM No. 194/2020**
TARUN GAUTAM

..... Petitioner

Through: Mr.Siddharth Gautam, Mr.Shikhar
Singhal & Mr.Rohit Dandriyal, Advs.

versus

MEDICAL COUNCIL OF INDIA & ORS.

..... Respondents

Through: Mr.T. Singhdev, Mr.Tarun Verma,
Ms.Sumangla Swami & Mr.Abhijit
Chakravarty, Advs. for R-1, MCI.
Mr.Gaurang Kanth, CGSC with
Mr.Aman S. Bakhshi, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **07.01.2020**

This petition has been filed *inter alia* praying for the following directions:-

“(a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent No.1 to initiate a free and fair investigation into the death of the father of the Petitioner herein due to the alleged negligence meted out by the Respondent No. 3 hospital while he was under treatment.”

The learned counsel for the respondent no. 1 who appears on advance notice submits that as the respondent no. 3 is situated in the State of Haryana, the complaint of the petitioner against the respondent no. 3 was

forwarded to the Haryana Medical Council. He further submits that the report sent by the Registrar, Haryana Medical Council vide letter dated 11.02.2019, was forwarded to the petitioner by the respondent no. 1 under cover of its letter dated 29.04.2019. Referring to Regulation 8.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, he submits that the remedy of the petitioner, if any, would be in form of an appeal before the respondent no. 1.

In view of the above, the learned counsel for the petitioner prays for leave to withdraw the present petition with liberty to seek such other remedy as may be available to the petitioner in law, including filing of an appeal before the respondent no. 1. Incase such appeal is filed, the question of limitation shall be considered by the respondent no. 1 keeping in view the filing of the present petition.

The petition is dismissed as withdrawn with liberty as prayed for.

NAVIN CHAWLA, J

JANUARY 07, 2020/rv