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

+ LPA 197/2025

SHIV KUMAR

.....Appellant

Through: Mr.Vinay Rathi, Adv.

versus

NATIONAL MEDICAL COMMISSION & ORS. ....Respondent

Through: Mr.T.Singhdev with Mr.Abhijit  
Chakravorty, Mr.Anum Hussain,  
Ms.Yamini Singh, Advs for R-1.  
Mr.Sumit K Batra, Adv for R-5.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

% **18.03.2025**

**CM APPL. 15590/2025**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**LPA 197/2025 & CM APPL. 15591/2025**

3. Heard learned counsel for the parties.
4. This LPA has been preferred with the limited prayer seeking expunction of certain observations made by the learned Single Judge in para 8 of the impugned judgment, where the Court has recorded a finding that it did not find any valid ground for concluding negligence on the part of the respondent/Hospital.
5. The appeal with the aforesaid prayer has been filed for the reason that there are certain civil and criminal action initiated by the appellant, which are pending before the Court concerned and such a finding, according to the



learned counsel for the appellant, is likely to prejudice the case of the appellant.

6. On a query, we have been informed that the Hospital was not a party/respondent in the proceedings of the writ petition. It has been stated that initially the Hospital was arrayed as a party/respondent before the learned Single Judge, however, subsequently under an order passed by the Court, it was deleted.

7. Be that as it may, the prayer made by the appellant seeking expunction of the observations in respect of the Hospital cannot be granted unless the Hospital itself is heard.

8. In view of the aforesaid, we dispose of this appeal with liberty to the appellant to approach the learned Single Judge by way of making an appropriate application seeking expunction of the observations, of course only on seeking impleadment of the Hospital.

9. If any such application/applications are preferred, we request the learned Single Judge to decide the same as early as possible.

10. In view of the aforesaid observations, the appeal along with pending application stands disposed of.

**DEVENDRA KUMAR UPADHYAYA, CJ**

**TUSHAR RAO GEDELA, J**

**MARCH 18, 2025**

**sr**