

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil misc. Application No. 299/2024

in

S.B. Civil Restoration Application No. 159/2022

in

S.B. Civil Restoration Application No. 21/2014

in

S.B. Civil Misc. Appeal No. 2852/2008

1. Late Miss Shakuntala Rai Daughter Of Late Shri Hakikat Raiji., R/o
2. Late Keshav Rai Son Of Late Shri Hakikat Rai Ji, Resident Of D-Villa Station Road, Jaipur.

----Petitioners

Versus

1. M/s National Engineering Industries Limited, Having Its Registered Office At India Exchange Palace, Calcutta Head Office Khatipura Road, Jaipur Through Shri Devki Nandan Roongta, Finance Manager And Constituted Attorney.
2. General Manager, National Engineering Industries , Hasanpura, Khatipura Road, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. R.B. Mathur, Senior Advocate with Mr. Manish Bhodiwal & Mr. Utsav Verma (for applicant)
For Respondent(s)	:	Ms. Anjali Sharma for Mr. Anurag Kalavatiya (for non-applicant/appellant/plaintiff) Ms. Palak Saxena for Mr. Sunil Nath (for non-applicant/Defendants) Mr. Archit Bohra, AGC with Mr. Rahul Verma (for non-applicant/counsel for State)

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN
Order

08/05/2026

1. The instant misc. application under Section 151 CPC has been filed by Dr. Bhawna Sharma, Senior Professor, Department of Neurology, SMS Hospital, Jaipur, seeking deletion of paragraph No. 18 from the order dated

31.05.2024 passed in S.B. Civil Restoration Application No. 159/2022, titled "*Late Ms. Shakuntala Rai & Anr. vs. M/s. National Engineering Industries Ltd. & Anr.*".

2. Heard learned Senior Advocate appearing for the applicant, learned counsel for the parties, and Mr. Arjit Bohra, learned Additional Government Counsel appearing on behalf of the Medical Education Department and the Medical and Health Department, Government of Rajasthan.
3. The controversy involved in the aforesaid proceedings was essentially *inter se* between the parties, and this Court had dismissed the application for condonation of delay as well as the subsequent restoration application. While deciding the said application, certain observations were made by this Court in order dated 31.05.2024:

"17. Herein this case, no bonafide is shown. A perusal of record indicated that an undated certificate is placed at page No.24, which was issued by Dr. Bhawana Sharma (Senior Professor, Neurology Department, SMS Hospital, Jaipur). This certificate indicated that one of the plaintiff, Ms. Shakuntala Rai was suffering from Dementia from 2012 onwards and remained in her care till her death on 21.12.2018. No document to support this certificate is attached. Moreover, this certificate is undated, which means Dr. Bhawana Sharma has issued the certificate to help the applicants to impress the Court about the sufficient cause.

18. In my opinion, issuing a certificate in such blank format is an omission and same is a punishable offence. This certificate is any document or prescription of not supported with treatment, therefore, it does not inspire any confidence. The office is directed to bring this issue to the notice of the

Principal Secretary (Medical Education), Govt. of Rajasthan and seek compliance report."

4. Learned Senior Advocate for the applicant submitted that prior to passing of the aforesaid order, no opportunity of hearing was afforded to Dr. Bhawna Sharma and, therefore, she could not place her case before this Court. He further submitted that the medical certificate which was considered by this Hon'ble Court was never issued by Dr. Bhawna Sharma. Upon coming to know of the said certificate, the applicant lodged a criminal complaint at Police Station Ashok Nagar, Jaipur, and also obtained the opinion of a handwriting expert to substantiate the contention that the signature appearing on the certificate is not that of Dr. Bhawna Sharma.
5. Learned counsel for the parties have no objection in case of deletion of para No. 18 regarding the action against Dr. Bhavna Sharma for issuance of the medical certificate produced in the matter.
6. The certificate was undated and also did not show any dispatch number or patient registration number (OPD number). This Court, while noticing that a large number of certificates are issued in the names of senior doctors and other doctors, and that fake and false medical certificates are frequently issued to help individuals, also observed that no verification mechanism exists in the State Government. Therefore, this Court had directed issuance of notice to the Principal and the Superintendent of SMS Hospital.

7. The Government of Rajasthan has approved the Online Medical Certificate Module, and Mr. Archit Bohra, learned Additional Government Counsel, submitted that after such approval, the process has been initiated and, in the coming months, the same will form part of the IHMS. He also placed on record a copy of the approval sheet dated 07.05.2026.
8. Having considered the aforesaid, it is appropriate to close the proceedings with a direction to the State Government, in particular the Medical Education Department and the Medical and Health Department, to implement the Online Medical Certificate Module, as suggested in the note sheet dated 07.05.2026, at the earliest.
9. I appreciate the assistance rendered by learned Senior Advocate, learned counsel for the parties, and Mr. Archit Bohra, learned Additional Government Counsel.
10. The civil misc. application is hereby allowed and the observations made about Dr. Bhawna Sharma in para Nos. 17 and 18 are hereby deleted only to the extent that no action shall be initiated against Dr. Bhawna Sharma pursuant to the impugned certificate which was referred to in the order dated 31.05.2024 while disposing of S.B. Civil Restoration Application No. 159/2022.
11. Thus, the instant misc.application stands disposed of.

(ASHOK KUMAR JAIN),J