

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
IA NO. 3-4 IN CIVIL APPEAL NO(s). 5443-5444 OF 2013

T. CHOITHRAM HOSPITAL & RESEARCH Appellant (s)

VERSUS

JAGAT NARAIN CHOUBE & ORS. Respondent(s)

(With appln(s) for directions and office report)

WITH IA No. 5-6, 9-10 in Civil Appeal NO. 5440-5441 of 2013

(With appln(s) for permission to place addl. documents on record, stay and office report)

Date: 03/12/2013 These Appln(s) were called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE GYAN SUDHA MISRA  
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Appellant(s) Mr. Ravindra Srivastav, Sr.Adv.  
Mr. Ardhendumauli Kumar Prasad, Adv.  
Mr. Aviral Shukla, Adv.  
Ms. Pankhuri Bhardwaj, Adv.  
Mr. Abhinav Srivastav, Adv.

For Respondent(s) Ms. Pratibha Jain, Adv.

UPON hearing counsel the Court made the following  
O R D E R

I.A. No. 3-4

These applications have been filed seeking direction to withdraw the amount of Rs.9,52,756/- which had been deposited by the appellant by way of compensation payable to the respondents as per the order passed by this Court on 08.07.2013.

It is informed that the amount which was deposited by the appellant is lying in the Registry of the Court and it was not kept in the fixed deposit as there was no direction to that effect. These applications have rightly not been opposed by the counsel for the appellant as there is no dispute that the respondents are entitled to this amount subject to the outcome of the appeals.

The applications therefore, seeking directions are allowed.

The competent authority of the Registry is directed to release the aforesaid amount expeditiously to the respondent Mr. Jagat Narain Choube and on behalf of other respondents/claimants also, as it is informed that there is no inter se dispute between Mr. Jagat Narain Choube and his sons who are other respondents.

The question of payment of interest to the respondents may be raised at the time of final hearing of the appeals.

IA No. 5-6

I.A. No. 5-6 for filing additional documents on record are allowed.

IA No. 9-10

The appellant has sought a direction of stay of the order passed by the National Commission by which the Commission has declared and expressed the view that the appellant is not eligible to practice as he is not a qualified Nephrologist which is based on the report submitted by the All India Institute of Medical Sciences (AIIMS), New Delhi. Since the observations made by the Commission is based on the opinion of the expert body from the AIIMS, we do not deem it appropriate to stay the order passed by the Commission against the Appellant.

Since this Court is not in a position to express its opinion in regard to the eligibility and qualification of the Appellant to practice as a Nephrologist, we deem it appropriate to grant liberty to the appellant to approach the Medical Council of India against the observation made by the Commission and any opinion given by the Medical Council of India be filed by the Appellant before this Court after which the applications for stay will be considered.

(NAVEEN KUMAR)  
COURT MASTER

(S.S.R. KRISHNA)  
COURT MASTER