

Annex 1

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IN THE HIGH COURT OF DELHI AT NEW DELHI

F.A.O. NO. 1205 OF 1992

Delhi Administration .

Applicant.

Vs

Naturo Electro Homopathy Medicos of India. .. Respondent.

MEMO OF PARTIES

1. Delhi Administration
THROUGH:- Secretary Medical
5, Syam Nath Marg,
Alipur Road,
Delhi Administration,
Delhi.

2. Director Health Services
Delhi Administration,
Delhi.

3. Union of India
THROUGH:- Secretary,
Ministry of Health & Family Welfare,
Birman Bhawan,
New Delhi.

For Petitioner
High Court of Delhi

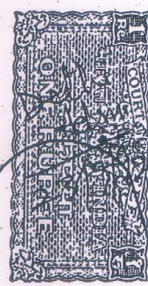
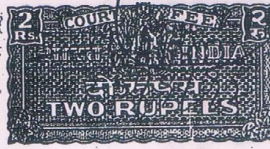
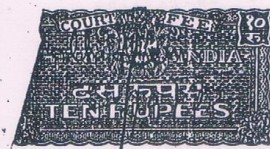
Certified to be True Copy

Registrar Judicial Department
High Court of Delhi
Witnessed Under Section 21
Evidence Act.

VERSUS

1. Naturo Electro Homopathy Medicos of India,
C2-C123-126, Pocket-12,
Janak Puri,
New Delhi.

..... Respondent



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EXAMINED

Ahlawat
MRS. ANISH AHLAWAT
Advocate
Counsel for the applicant
243, Lawyers Chambers,
Delhi High Court,
New Delhi.-

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IN THE HIGH COURT OF DELHI

F.A.O.No.205/92

Date of decision : November 18 1998

Delhi Administration ..through Ms.Avnish Ahlawat
& Others. Advocate with Ms.Anupama
Chandha, Advocate

Versus

Naturo Electro Homoeopathy..through Sh.V.C.Misra
Medicos of India Sr.Advocate with
Sh.A.P.Mahajan,
Advocate.

Coram:

The Hon'ble Mr.Justice Y.K.Sabharwal, ACJ
The Hon'ble Mr.Justice K.S.Gupta

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?

K.S.Gupta, J.

This appeal is directed against the order dated August 14, 1992 passed on application under Order XXIX Rules 1 & 2 CPC etc. by Shri P.K.Bh Additional District Judge, restraining the defendants/appellants from issuing any public notice concerning the activities of the plaintiff/respondent in the form of the public notice dated July 9, 1992.

Suit for permanent injunction wherein the said application under Order XXXIX Rules 1 & 2 CPC etc. was filed by the plaintiff/respondent

Immer?

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For Petition No.
K.S.G. J. (S) 18/11/98
High Court of Delhi

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-: 2 :- F.A.O.No.205/92

has been contested by filing written statement by defendants/appellants and for deciding the present appeal pleas raised in the pleadings by both the parties need not be referred to.

Notice dated July 9, 1992 which is material runs as under:-

"ONE All India Research and Development Organisation of Electro Homoeopathy (Central Board) located at C-7/166, Yamuna Vihar, Delhi-110053 and another Electro Homoeopathy Institute, namely, N.E.H.M. of India, located at C-2C, 123-126, Pocket-12, Janak Puri, New Delhi-110 058 have been publicising misleading advertisements in various newspapers claiming that registration with their Institution confers the right to the person so registered to practise Medicine "Electropathy/Electro Homoeopathy" throughout India.

Public in general is hereby informed that neither of the aforesaid institutions is recognised nor are the Degrees/Diplomas and Registration Certificates awarded/issued by them recognised by the Govt. of India or the Delhi Administration. The persons possessing these degrees or diplomas and registration certificates are not entitled to do medical practice and in case they practise in any of these systems they will do so at their own risk and responsibility and be answerable under the law of the land including the Medical Code.

sd/-

(Dr.V.P.Varshaney)
Director:Health Services
Delhi Administration:Delhi"

Arguments in the appeal were heard alongwith C.W.P.No.4015/96 which involves wider

ATTESTED

Examiner Judicial Deptt.
High Court of Delhi

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-: 3 :- F.A.O.No.205/92

issues. Respondent in this appeal has been arrayed as respondent No.10 in the said petition. It is not the case of respondent No.10 in the reply affidavit filed in the petition that either it is recognised or the degrees/diplomas/certificates awarded by it are recognized by the Govt. of India or the Delhi Administration. In the aforesaid petition which is being disposed of today separately we have taken the view that although respondent No.10 cannot award any degree, it may issue diplomas/certificates and the holders of such diplomas/certificates are entitled to practise Electropathy system of medicine on the strength thereof. One of the directions passed in the petition is that adequate publicity through the media shall be given by the Government(s) informing general public about respondents 10 to 16 and similar other institutes not being recognised and affiliated with any of the Councils under the three Acts of 1956, 1970 & 1973. In view of the said facts the appellants cannot be restrained from issuing the public notice similar to that of July 9, 1992 barring the portion of the notice that the persons possessing diplomas/certificates are not entitled to practise.

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Examiner Judicial Deptt,
High Court of Delhi

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Consequently, the appeal is allowed and the impugned order is set aside with the observation that in the public notice(s) issued in future by the appellants only it will not be stated that the person possessing the diplomas/certificates from respondent No.10 are not entitled to practise Electro Homoeopathy system of medicine.

November 18, 1998.
jlk

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K.S.GUPTA, J.
ACTING CHIEF JUSTICE

TRUE COPY
[Signature]

Certified to be True Copy

Examiner Judicial Department
High Court of Delhi
Authorized Under Section 28
Indian Evidence Act.

Ime2?

23739
No.
Date of Presentation of Application
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Urgent
Registration & Postage Fees
Agency Fees
Total Rupees
Name of Applicant
Date of Receipt & Record
for copy
Date of Preparation of copy
Date of Delivery of Copy

Administrative Officer
(Appellate)
High Court of Delhi
New Delhi

