

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.HRISHIKESH ROY

&

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 20TH DAY OF JUNE 2019 / 30TH JYAISHTA, 1941

Con.Case(C).No.988 of 2019 IN WA. 2055/2018

AGAINST THE JUDGMENT IN WA 2055/2018 of HIGH COURT OF KERALA DATED
17.10.2018

PETITIONERS/APPELLANTS 1 AND 16 IN WA:

- 1 DR.M.RAMAKRISHNA BABU,
ASSISTANT SURGEON, RESIDING AT GAYATHRI MADAM,
VARKALA-695 145.
- 2 DR.S.N.BIJUNESH,
ASSISTANT SURGEON, RESIDING AT SANKAR NIVAS,
VILLAPPALLY, VATAKARA, KOZHIKODE.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS/3RD RESPONDENT IN WA AND NOT PARTIES IN WA (AFFECTED PARTIES):

- 1 MUHAMMED HUSSAIN A.,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
REGISTRAR, TRAVANCORE COCHIN MEDICAL COUNCIL,
RED CROSS ROAD, THIRUVANANTHAPURAM-695 035.
- 2 DR.RANI BHASKARAN,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
PRESIDENT, COUNCIL OF MODERN MEDICINE,
TRAVANCORE COCHIN MEDICAL COUNCIL,
RED CROSS ROAD, THIRUVANANTHAPURAM.
- 3 DR.V.G.PRADEEP KUMAR,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
VICE PRESIDENT, COUNCIL OF MODERN MEDICINE,
TRAVANCORE COCHIN MEDICAL COUNCIL,
RED CROSS ROAD, THIRUVANANTHAPURAM.

- 4 DR.K.MOHANAN,
(AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER), MEMBER, COUNCIL OF MODERN MEDICINE,
TRAVANCORE COCHIN MEDICAL COUNCIL,
RED CROSS ROAD, THIRUVANANTHAPURAM-695 035.
- 5 DR.K.G.SUNIL KUMAR,
(AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER), MEMBER, COUNCIL OF MODERN MEDICINE,
TRAVANCORE COCHIN MEDICAL COUNCIL, RED CROSS ROAD,
THIRUVANANTHAPURAM-695 035.
- 6 DR.R.JAYAPRAKASH,
(AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER), MEMBER, COUNCIL OF MODERN MEDICINE,
TRAVANCORE COCHIN MEDICAL COUNCIL, RED CROSS ROAD,
THIRUVANANTHAPURAM-695 035.
- 7 NABEEZATHU BEEVI S.,
(AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER), MANAGER, MODERN MEDICINE,
TRAVANCORE COCHIN MEDICAL COUNCIL,
RED CROSS ROAD, THIRUVANANTHAPURAM-695 035.

BY ADVS.

SRI.S.GOPAKUMARAN NAIR, SR
SRI.SOORAJ T.ELENJICKAL
SHRI.ASWIN KUMAR M J
SMT.V.A.HARITHA
SRI.K.ARJUN VENUGOPAL
SRI.SIDHARTH B. PRASAD

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 20.06.2019, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT**Hrishikesh Roy, C.J.**

Heard the learned counsel Dr.George Abraham appearing for the petitioners. Also heard the learned Senior Counsel Sri.S.Gopakumaran Nair, representing the respondents.

2. It appears from the affidavit filed on 17.6.2019 by the Registrar of the *Travancore Cochin Medical Council* that a decision was taken by the Legal Sub committee of the Council to unanimously withdraw the *offending circular No.C2-3420/2019/MC/F dated 27.4.2019* (Annexure-B) and also seek apology before the court, in the present Contempt proceeding. In pursuant to such decision, the communication dated 13.6.2019 [Ext.R1(b)] was issued by the Registrar, which is produced with the reply affidavit.

3. In view of above, since the *offending circular* has now been withdrawn and an apology is tendered, we deem it appropriate to close this Contempt Case, arising out of the judgment dated 17.10.2018 in the W.A.No.2055 of 2018 (Annexure-A). It is ordered so accordingly.

Sd/-

**Hrishikesh Roy,
Chief Justice**

Sd/-

**A.K.Jayasankaran Nambiar,
Judge**

vpv

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A	TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.2055/18.
ANNEXURE B	TRUE COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT DATED 27.4.2019.
ANNEXURE C	TRUE COPY OF THE COMMUNICATION ISSUED BY THE INDIAN MEDICAL ASSOCIATION.
ANNEXURE D	TRUE COPY OF THE NEWS ITEM PUBLISHED IN THE DECCAN CHRONICLE DATED 30.4.2019.
ANNEXURE E	TRUE COPY OF THE NOTICE DATED 6.5.2019 ISSUED BY 7TH RESPONDENT.
ANNEXURE F	TRUE COPY OF THE LAWYER NOTICE ISSUED ON BEHALF OF THE 1ST PETITIONER.
ANNEXURE G	TRUE COPY OF THE REPLY NOTICE ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS:

ANNEXURE-R1 (a)	TRUE COPY OF ANNEXURE F LAWYER NOTICE TO THE 1ST RESPONDENT.
ANNEXURE-R1 (b)	TRUE COPY OF THE COMMUNICATION DATED 13.6.2019 SENT TO THE COUNSEL BY THE 1ST RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE