

In the High Court of Orissa
ORDER SHEET

BLAPLAW. P. (CWA) No. 2170/2023 of 20

HAZI MD. AYUB KHAN

Versus

COLLECTOR, BALANGIR

for Petitioner

for Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			<p>PRESENTED ON 28/08/2023</p> <p>Register and Put up for Orders</p> <p>for</p> <p>Registrar (Judicial)</p> <p>Forc S.R</p> <p>dxen 30/8/23</p> <p>S.R</p> <p>4/9/23</p> <p>KALI SHANKAR RAO</p> <p>ADDL. CLERK</p>



FC128194

SCANNED



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 2170 of 2023

Hazi Md. Ayub Khan and others

.... *Appellants*
Mr. P.K. Nayak, Advocate

-versus-

Collector, Bolangir and others

.... *Respondents*
Ms. A. Dash, Addl. Standing Counsel

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO**

ORDER

03.12.2024

Order No.

01.

This matter is taken up through Hybrid mode.

2. Mr. P.K. Nayak, learned counsel appearing on behalf of the appellants undertakes to remove the defects as pointed out by the S.R. before the next date.

3. List this matter on 10.12.2024.


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

SK Jena/Secy.

IN THE HIGH COURT OF ORISSA

Case No. WA - 2170 / 2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>Centered copy filed</p> <p><u>Apurva</u> 29.11.24</p> <p>for SR</p> <p>for SR</p> <p><u>Apurva</u> 29.11.24</p> <p>02/12/24</p> <p>02/12/24</p> <p>(c) P.A NO. 5882 / 2023 is at Reg 'A' for condonation of delay.</p> <p>(ii) Delet NO. 3, 4(a), 5(d), 5(e), 6 and 9 as per SR not removed</p> <p>for orders</p> <p>Along with WP (C) 4667 of 2010 (a disp. case)</p> <p>Akash Pradhan</p> <p>02.12.2024</p> <p>DB</p> <p>vide dt 03.12.2024</p> <p><i>[Signature]</i></p>

IN THE HIGH COURT OF ORISSA

Case No. WA-2170/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01	03.12.2024	<p>Defect no. 6(a) and 9 as per P.R. are removed and defect no. 5 (c) is pending.</p> <p>07.12.2024 A.A. (Jelly) 1/C</p> <p>Memo attached with Rs 6 and Rs 3 towards court fee deficiency and authentication fee respectively filed. Hence defect no. 3 and 4(a) removed.</p> <p><u>Approval</u> 07.12.2024 Receipt showing, source of copy filed. Hence defect 5(c) removed. <u>Approval</u> 09.12.24 Order No. 1</p> <p>(i) L. A NO. 5882/2023 at Pt. 'A' for condonation of delay.</p> <p>for orders</p> <p>A longwith WP (C) 4667 of 2010 (a dir. of case)</p> <p>Akash Pradhan 07.12.2024</p> <p>D.B Adj to 10.12.2024</p>



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR

ODHC010684112023

Filing No

WA/0002170/2023

Date and Time

28/08/2023-13:43:15

Misc Case/IA

5882/2023

Petitioner Name

HAZI MD. AYUB KHAN

Petitioner Advocate Name

PRASHANTA KUMAR NAYAK

Respondents Name

COLLECTOR, BALANGIR

Respondents Advocate

Amount

Police Station

FIR



Monday 28th of August 2023 01:49:20 PM

(m) 7609897746

1. RFA/RSA/FAO/SAO/LPA/SPA/CRP/Review pet/O. Ref/EXFA/EXSA/CM APP./Tr. P (c) WP (c)/WA/SCLP/Co. Appl/Co. Pet/Co. Case/Co. App/ Bkg. P/Mat. A/Mat Ref/RP (FAMCT)/Test Case / Intest. Case / L.A. Ref / RCFA / L. A. A / RCSA/RE. Rev/MAC/MAC APP / EL Pet/ELAPP/Arb, P/ Arb. A/Insurance Ref/Cont. Cas (c)/Coutd. App (c)/MFA. (name of the Act)/MSA/SP. JC (name of the Act)/Crl A/Crl. Rev /Ckl. M. C/BLAPL/ Cal. M APPI/WP (crl)/CUSREF STREV.

Case Type W.A No. 2/70, 2023 Date of Regn. 28.08.2023

2. If 'State' Is Party, Name of the Deptt : (Pet/Res) [Put mark]

If Public Undertakings (Specify name) : (Pet/Res) [Put mark]

3. (a) Number of category under which the matter falls :

2	8
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0	4
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0	0
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If OTHERS, specify the subject _____

- (b) Which Is applicable ? [Put mark]
(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State) [Put mark]

Clause - 10 of the letters patent Constituting the High court of Judicature at Patna read with Article 228 of the Orissa High Court Judgement 1948

5. Section/Sub-Section Involved _____

6. Rules Involved _____

7. Whether any other matter is pending in this Court on the Same point of law :

If so, give the number of matter : X

8. Whether any other matter is pending against the impugned order/ Judgement ?

If so, give the number of matter X

9. Whether the matter is covered by any judgement of the Supreme Court, this Court or any other High Court, If so give the details of the judgement X

10. Point of law involved in the matter Writ appeal

Date 28.08.2023

Rasmita Swain
Signature of the Advocate

IN THE HIGH COURT OF ORISSA: CUTTACK.

W.A. NO. 2170 OF 2023

CODE NO: 280400

Hazi Md. Ayub Khan

& others.....Appellants.

-versus-

Collector and othersOpp. Parties.

I N D E X

<u>Sl.No.</u>	<u>Description of documents</u>	<u>Pages</u>
01.	Synopsis	A-B
02.	Date Chart	a-c
03.	Writ Appeal	01 to 16
04.	<u>Annexure-1.</u> Copy of the Writ Petition	17-42
05.	<u>Annexure-2</u> Copy of the Judgment	43-47
06.	<u>Annexure-3 series</u> Copy of Medical Papers	48-92
07.	Vakalatnama	



Cuttack

Advocate

R. Swam

Date:28.08.2023

for the Appellants

IN THE HIGH COURT OF ORISSA: CUTTACK.

W.A. NO. 2170 OF 2023

Hazi Md. Ayub Khan

& others.....Appellants.

-versus-

Collector and othersOpp. Parties.

SYNOPSIS

The appellants being plaintiffs have filed Civil Suit No. 67 of 2006 before the learned Civil Judge (Senior Division), Titilagarh for recovery of a sum of Rs.18,76,783.50p. from the defendants (O.P. Nos. 2 to 4) D.Y.Patel educational Society, 2126E, Tarabal Park, Kolhar, Maharastra-426003 represented by its president Sanjay D. Patel and two others. During filing of the plaint in the suit, plaintiff had paid a court fee of Rs.60,874.00. That after admission of the suit, notice were sent to the defendants. That on 25.02.2009 the plaintiffs/appellants filed a petition stating therein that the plaintiffs and the defendants have taken steps to compromise the matter and accordingly wanted for disposal of the suit. In the said petition, it was further prayed that the suit be referred to Hon'ble Lok Adalat for disposal. That on 30.03.2009 the plaintiffs have filed another petition stating that plaintiff and defendants have compounded the matter amongst

themselves and plaintiffs have received agreed amount in full and financial of the claim amount and prayed to dispose of the suit and pass judgment for refund of court fee on a combined reading of section 89 C.P.C and section 16 of the Court Fees Act. That on 15.04.2009, the learned Civil Judge has disposed of the suit with a direction to issue a certificate authorizing the plaintiff to receive back the full amount of court fees paid in respect of the plaint filed in the suit from the Collector, Bolangir. The certified copy of the judgment dated 15.04.2009 passed in C.S. No. 67 of 2006 by the learned Civil Judge (S.D), Titlagarh. That on 06.03.2010, the Collector of Bolangir filed the WPC NO.4667 of 2010 , challenging the judgment dated 15.04.2009 passed by the learned Civil Judge in C.S. No. 67 of 2006. On 14.12.2022 the Writ Petition was disposed of by setting aside the order dated 15.04.2009 passed by the learned Civil Judge(SD), Titilagarh in C.S. No. 67 of 2006. Which is against the Judgment of the Hon'ble Apex Court reported in **(2021) 3 SCC 560**.

Cuttack

Advocate

R Swain

Date: 28.08.2023

For the Petitioner

IN THE HIGH COURT OF ORISSA: CUTTACK.

W.A. NO. 2140 OF 2023

Hazi Md. Ayub Khan

& others.....Appellants.

-versus-

Collector and othersOpp. Parties.

DATE CHART

19.06.2006: The appellants being plaintiffs have filed

Civil Suit No. 67 of 2006 before the learned

Civil Judge (Senior Division), Titilagarh for

recovery of a sum of Rs.18,76,783.50p.

from the defendants (O.P. Nos. 2 to 4)

D.Y.Patel educational Society, 2126E,

Tarabal Park, Kolhar, Maharastra-426003

represented by its president Sanjay D. Patel

and two others. During filing of the plaint

in the suit, plaintiff had paid a court fee of

Rs.60,874.00.

That after admission of the suit, notice were

sent to the defendants.

-b

25.02.2009: The plaintiffs/appellants filed a petition stating therein that the plaintiffs and the defendants have taken steps to compromise the matter and accordingly wanted for disposal of the suit. In the said petition, it was further prayed that the suit be referred to Hon'ble Lok Adalat for disposal.

30.03.2009: The plaintiffs have filed another petition stating that plaintiff and defendants have compounded the matter amongst themselves and plaintiffs have received agreed amount in full and financial of the claim amount and prayed to dispose of the suit and pass judgment for refund of court fee on a combined reading of section 89 C.P.C and section 16 of the Court Fees Act.

15.04.2009: The learned Civil Judge has disposed of the suit with a direction to issue a certificate authorizing the plaintiff to

C

receive back the full amount of court fees paid in respect of the plaint filed in the suit from the Collector, Bolangir. The certified copy of the judgment dated 15.04.2009 passed in C.S. No. 67 of 2006 by the learned Civil Judge (S.D), Titlagarh.

06.03.2010: The Collector of Bolangir filed the WPC NO.4667 of 2010 , challenging the order dated 15.04.2009 passed by the learned Civil Judge in C.S. No. 67 of 2006.

14.12.2022: The Writ Petition was disposed of by setting aside the order dated 15.04.2009 passed by the learned Civil Judge(SD), Titilagarh in C.S. No. 67 of 2006. Which is against the Judgment of the Hon'ble Apex Court reported in (2021) 3 SCC 560.

Cuttack

Advocate Rswam

Date: 28.08.2023

For the Appellants

IN THE HIGH COURT OF ORISSA: CUTTACK
(APPELLATE JURISDICTION CASES)

W.A. 2170 OF 2023

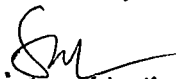
(Arising out of W.P.(C) No. 4667 of 2010
disposed of on 14.12.2022)

CODE NO: 280400

In the matter of :

An application under Clause-10 of
the Letters Patent constituting the
High Court of Judicature at Patna
read with Article 4 of the Orissa
High Court Judgment – 1948;

Presented on 28/8/2023


Registrar (Judicial)

A n d

In the matter of :


Relating to challenging the
judgment dated 14.12.2022, passed
in W.P.(c) No. 4667/2010, by the
Hon'ble single Judge.

A n d

In the matter of :

1. Hazi Md. Ayub Khan,
aged about 75 years,
S/O- Late Abdul Gafar Khan,
Sivaji Nagar, Kantabanji, District-
Bolangir,

*Prasanna
Cach*


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

LIMITATION

Date of Judgement/Awards

Date of Valid Presentation

11/12/22
29/11/24

Total Period Occupied 715 day

Limitation 30 day

Certified Copy Period day

Delay in filing 685 day

Receipt after
filing copy
of judgement

4/9/23

KALI SHANKAR RAO
ADDL. STAMP REPORTER

1. In Time NO

2. Period of delay

Expired on 23/11/23
685 days (DD Fols)

3. Court Fee

Rs 12/- payable, Rs 6/- paid, rest Rs 6/- to be

4. Authentication fee due on the

Rs 2.25 to be paid

(a) Copy of Trial Court Judgement

Rs.....Decree Rs.....

(b) Appellate Court Judgement Rs.....

Decree Rs.....

(a) Copy of Trial Court Judgement/Order

(b) Appellate Court/Revisional Order

Judgement

(c) Second Copy of Petition

(d) Receipt showing copy on A.G.

(e) Vakalatnama properly stamped

Executed and accepted

(6) (a) Cause Title

(b) Provision of Law

7. Code

8. Single Judge/Division Bench Case

9. Other Defects.

copy Fols

Fols not Fols

yes, the parties not furnishes

Parties not furnishes

Enrolment no of the filing
Advocate not furnished in
the DT and last page
of the App Remo.

STAMP REPORTER

KALI SHANKAR RAO

ADDL. STAMP REPORTER

21/11/24

2. Dr. Md. Ayaz Khan, aged about 53 years, S/O- Hazi Md. Ayub Khan, Resident of Sivaji Nagar, kantabanji District-Bolangir,
3. Dr. Asma Farheen Khan , aged about 43 years, wife of Dr Md. Ayaz Khan, Resident of Sivaji Nagar, kantabanji, District-Bolangir,

..... Appellants.
 (Appellant no 1 to 3 were opposite parties in the writ petition and Plaintiffs in the suit)
 -versus-

*Qidna
Adv*

06.12.2024

1. Collector, Bolangir.
2. D.Y.Patil Educational Society,
2126, E. Tarabai Park, Kolhpur,
Maharastra- 4/6003, represented by
its President, Sanjoy D. Patil.
3. Sanjoy D. Patil, president, D.Y.Patil
Education Society, 2126 E. Tarabai
Park, Kolhpur, Maharastra- 4/6003
4. Padmashree Dr. D.Y.patil,
Founder , D.Y.Patil Educational
Society, 2126 E. Tarabai Park,
Kolhpur, Maharastra-4/6003. (The
Respondent No. 2 to 4 were the opp.
Parties in Writ petition & Defendants
in Suit)..... Respondents

*Prswam
(adv)*

Ch 28
 Surendra Prasad Dhal
 Advocate
 NOTARY, CUTTACK

The matter out of which the writ appeal arises was before this Hon'ble Court in W.P.(C) No.4667 of 2010 which was disposed of on 14.12.2022.

To


The Hon'ble Chief Justice of Orissa High Court and His Lordships companion Justices of the said Hon'ble Court.

The humble petition of the above named Appellants.

MOST RESPECTFULLY SHEWETH:

1. That the appellants herewith challenge the judgment dated 14.12.2022 passed by the Hon'ble Single Judge without hearing the case of the appellant. The said judgment has been passed by the Hon'ble Single Judge, which is against the judgment of the Hon'ble Apex Court passed in case of "The High Court of Judicature at Madras Rep. by its Registrar General – Versus- M.C. Subramaniam & ors" reported in (2021) 3 SCC 560. Hence the judgment dated

*Remain
(Adv)*


Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

14.12.2022 is liable to be set aside and the judgment dated 15.04.2009 passed by the learned Civil Judge(SD), Titilagarh may be confirmed in favour of the appellant.

2. That the appellants are citizens of India and reside within the territorial jurisdiction of this Hon'ble Court and the cause of action arises within the said territorial jurisdiction.

3. That the brief fact of the case is like that the appellants being plaintiffs have filed Civil Suit No. 67 of 2006 before the learned Civil Judge (Senior Division), Titilagarh for recovery of a sum of Rs.18,76,783.50p. from the defendants (O.P. Nos. 2 to 4) D.Y.Patel educational Society, 2126E, Tarabal Park, Kolhar, Maharastra-426003 represented by its president Sanjay D. Patel and two others. During filing of the plaint in the suit, plaintiff had paid a court fee of Rs.60,874.00.

4. That after admission of the suit, notice were sent to the defendants.

Reswain (adv)

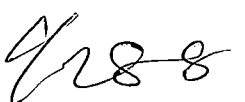
Surendra Prasad Dhaui
Advocate
NOTARY, CUTTACK

5. That on 25.02.2009 the plaintiffs/appellants filed a petition stating therein that the plaintiffs and the defendants have taken steps to compromise the matter and accordingly wanted for disposal of the suit. In the said petition, it was further prayed that the suit be referred to Hon'ble Lok Adalat for disposal.

6. That on 30.03.2009 the plaintiffs have filed another petition stating that plaintiff and defendants have compounded the matter amongst themselves and plaintiffs have received agreed amount in full and financial of the claim amount and prayed to dispose of the suit and pass judgment for refund of court fee on a combined reading of section 89 C.P.C and section 16 of the Court Fees Act.

7. That on 15.04.2009, the learned Civil Judge has disposed of the suit with a direction to issue a certificate authorizing the plaintiff to receive back the full amount of court fees paid in respect of the plaint filed in the suit from the Collector, Bolangir. The certified copy of the judgment dated 15.04.2009 passed

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK



*Remain
Copy*



in C.S. No. 67 of 2006 by the learned Civil Judge (S.D), Titlagarh.

8. That on 06.03.2010, the Collector of Bolangir filed the WPC NO.4667 of 2010 , challenging the judgment dated 15.04.2009 passed by the learned Civil Judge in C.S. No. 67 of 2006. On 14.12.2022 the Writ Petition was disposed of. Due to illness of the petitioner no.1, collection of information and the documents for filling of the appeal, the delay caused for filing this appeal. Hence this delay is not intentional. The appellants humbly pray for condonation of the delay of days in the interest of justice. The copy of the Writ Petition is annexed herewith as ANNEXURE-1 . The copy of the Judgment is annexed herewith as ANNEXURE-2 .The copy of the Medical Papers are annexed herewith as ANNEXURE-3 series.

9. That on 14.12.2022 the Hon'ble single judge was pleased to dispose of the writ petition and pass the judgment that "Looking to the pleadings and the prayer involved in Annexure-4, reading together with the

Pawan
Choudhary

Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

provision contained in Section 89 of the C.P.C., this Court finds, the claim for disposal of the suit completely remaining outside the Court and in no circumstance comes under the disposal scope of Section 89 of the C.P.C. It is here taking into account the provision at Section 16 of the Court Fee Act and reading through the provision taken note hereinabove, this Court finds, this is a mechanism of providing refund of Court Fee only in the case, there is reference of a suit to be disposed of in one of the modes of settlement of dispute referred to in Section 89 of the C.P.C. For the nature of disposal/settlement of the dispute claimed by the Plaintiff as recorded also by the trial court, for the opinion of this Court the disposal of the suit does not attract any of the provisions under Section 89 of the C.P.C. It is in the circumstance, there is no question of application of the provision of Section 16 of the Court Fees Act, 1870 to the case at hand This Court finds, the impugned judgment herein against the provision of law. As an outcome, this Court interferes

*Perway
Cdn*

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK



in the impugned judgment, vide Annexure-5 and sets aside the same.”

Being aggrieved by the judgment dated 14.12.2022 passed by the Hon’ble Single Judge in W.P.(c) No. 4667/2010, the appellants above named beg to prefer this Writ Appeal on the following amongst other:

GROUND

A) For that the judgment dated 14.12.2022 passed by the Hon’ble Single Judge in W.P.(c) No. 4667/2010 is erroneous, contrary to law as well as facts, hence the same is liable to be set aside.

B) For that the findings of the Hon’ble Single Judge are also erroneous and contrary to the settled laws. The Hon’ble Single Judge has given findings that “the claim for disposal of the suit completely remaining outside the Court and in no circumstance comes under the disposal scope of Section 89 of the


*Prasanna
(adv)*

MS
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

C.P.C". The Hon'ble single Judge has given the findings without considering the case of the appellant and without considering the judgment of the Hon'ble Apex Court passed in case of "The High Court of Judicature at Madras Rep. by its Registrar General – Versus- M.C. Subramaniam & ors" reported in **(2021) 3 SCC 560**. Hence the judgment dated 14.12.2022 passed by the Hon'ble single Judge is liable to be set aside.

- C) For that, the Hon'ble single Judge has mentioned in the judgment dated 14.12.2022, that "This Court finds, there remains no doubt that the Plaintiff and the Defendant have compounded the matter amongst themselves without aid of the Court and however there involves a request to the trial court for passing an order for refund of the Court Fee in terms of Section 89 of C.P.C. and Section 16 of the Court Fee Act. Considering application of the provision at Section 89 of C.P.C. and Section 16 of the Court Fee Act by the Plaintiff and the Trial Court also, the Plaintiff in filing the

*De nam
Cach*


Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

application and the trial court in passing the impugned judgment.”

The settlement out of court is permissible. But the Hon’ble single judge without considering such aspect of the matter passed the impugned judgment by setting aside the order of the learned Civil Judge (S.D), who has directed to issue a certificate authorizing the plaintiff to receive back the full amount of the court fees paid in respect of the plaint filed in the suit from the collector, Bolangir. Hence the judgment dated 14.12.2022 passed by the Hon’ble single Judge is liable to be set aside.

D) For that the Hon’ble single Judge failed to consider the fact and law that the private settlement out of court should be permitted. But the Hon’ble single judge did not consider the above aspect of the matter and passed the impugned judgment by giving erroneous finding.

E.) For that the Hon’ble Apex Court has hold that

“17. Settlement of dispute only through any of the

*Prasanna
(Adv)*

[Signature]
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

mode prescribed under section 89 of C.P.C is not sine qua non of section 89 C.P.C. rather it prescribes few methods through which settlement can be reached, sine qua non for applicability of section 89 is settlement between the parties outside the court without the intervention of the courts.

18. It is also not the requirement of the section that court must always refer the parties to Dispute Resolution Forum. If parties have arrived at out of court settlement it should be welcomed subject to principles of equity.

19. Court Fees Act is a taxing statute and has to be construed strictly and benefit of any ambiguity if any has to go in favour of the party and not to the state.” (emphasis supplied). The view taken in both Kamalamma (supra) and J.K. Forgings (supra) has been subsequently relied upon by the Delhi High Court in Inderjeet Kaur Raina v. Harvinder Kaur Anand, 2018 SCC OnLine Del 6557.

We find ourselves in agreement with the approach taken by the High Courts in the decisions stated supra. The purpose of Section 69-A is to reward parties who have chosen to withdraw their litigations in favour of more conciliatory dispute settlement mechanisms, thus saving the time and resources of the Court, by enabling them to claim refund of the court fees deposited by them. Such refund of court fee, though it may not be connected to the substance of the dispute between the parties, is certainly an ancillary economic incentive for pushing them towards exploring alternative methods of dispute settlement. As the Karnataka High Court has rightly observed in Kamalamma (supra), parties who have agreed to settle their disputes without requiring judicial intervention under Section 89, CPC are even more deserving of this benefit. This is because by choosing to resolve their claims themselves, they have saved the State of the logistical hassle of arranging for a third-party institution to settle the dispute. Though arbitration and mediation are certainly salutary dispute

*Perwain
Cadv*

Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

resolution mechanisms, we also find that the importance of private amicable negotiation between the parties cannot be understated. In our view, there is no justifiable reason why Section 69-A should only incentivize the methods of out-of-court settlement stated in Section 89, CPC and afford step-brotherly treatment to other methods availed of by the parties.

Admittedly, there may be situations wherein the parties have after the course of a long-drawn trial, or multiple frivolous litigations, approached the Court seeking refund of court fees in the guise of having settled their disputes. In such cases, the Court may, having regard to the previous conduct of the parties and the principles of equity, refuse to grant relief under the relevant rules pertaining to court fees. However, we do not find the present case as being of such nature.

20. Thus, even though a strict construction of the terms of Section 89, CPC and 69-A of the 1955 Act may not encompass such private negotiations and settlements between the parties, we emphasize that the participants in such settlements will be entitled to the same benefits as those who have been referred to explore alternate dispute settlement methods under Section 89, CPC. Indeed, we find it puzzling that the Petitioner should be so vehemently opposed to granting such benefit. Though the registry/State Government will be losing a one-time court fee in the short term, they will be saved the expense and opportunity cost of managing an endless cycle of litigation in the long term. It is therefore in their own interest to allow the Respondent No. 1's claim.

21. Thus, in our view, the High Court was correct in holding that Section 89 of the CPC and Section 69-A of the 1955 Act be interpreted liberally. In view of this broad purposive construction, we affirm the High Court's conclusion, and hold that Section 89 of CPC shall cover, and the benefit of Section 69-A of the 1955 Act shall also extend to, all methods of out of

*Prasanna
(Golu)*

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

[Signature]



court dispute settlement between parties that the Court subsequently finds to have been legally arrived at. This would, thus, cover the present controversy, wherein a private settlement was arrived at, and a memo to withdraw the appeal was filed before the High Court. In such a case as well, the appellant, i.e., Respondent No. 1 herein would be entitled to refund of court fee."

F.) For that, the Collector, Bolangir has no authority or jurisdiction to challenge the judgment of the learned Civil Judge(SD), Titilagarh. The writ petition filed by the Collector, Bolangir is also not maintainable against the order of the learned Civil Judge(SD), Titilagarh. Parties have settled the disputes between them. The same should be welcomed. The learned Civil Judge(SD), Titilagarh has directed to issue a certificate authorizing the plaintiffs / appellants to receive back the full amount of court fees paid filed in the suit taking in to consideration of the fact and law. The Hon'ble single judge failed to consider above aspect of the matter. Hence the judgment passed by the Hon'ble single Judge is liable to be set aside.

*Prasanna
(adv)*

Surendra Prasad Dhai
Surendra Prasad Dhai
Advocate
NOTARY, CUTTACK

G) For that, the present issue has been answered by the Hon'ble Supreme Court of India in case of "The High Court of Judicature at Madras Rep. by its Registrar General – Versus- M.C. Subramaniam & ors" reported in **(2021) 3 SCC 560**. The Hon'ble single Judge failed to consider the same while passed the impugned judgment. Hence the judgment dated 14.12.2022 passed by the Hon'ble single Judge is liable to be set aside.

H) For that the impugned judgment is otherwise illegal and bad in law, which will be agitated at the time of hearing of the appeal.

10. That the present appeal is being filed in good faith and bonafide.

P R A Y E R

It therefore humbly prayed that the Writ Appeal may be admitted, records may be called for and after hearing the counsels for both sides the Writ Appeal may be allowed thereby setting aside the judgment dated 14.12.2022 passed by the Hon'ble Single Judge

*Prasanna
Cach*

[Signature]
Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

in W.P.(c) No. 4667 of 2010 and further be pleased to confirm the order of the learned Civil Judge(SD), Titilagah in favour of the appellant and further be pleased to direct the Collector, Bolangir to refund the court fees amount paid by the appellants .

And pass any other or further direction/directions, judgment/judgments, relief/reliefs which this Hon'ble Court may deem fit and proper.

And for this act of kindness, the petitioner shall as in duty bound ever pray.

Cuttack By the appellants through

Date: 28.08.2023 Advocate

Certificate

Certified that the grounds set forth above are all good grounds for this appeal and prepared the same and undertake to support the same at the time of hearing and further certified that due to non-availability of catridge paper this petition has been typed in thick white papers.

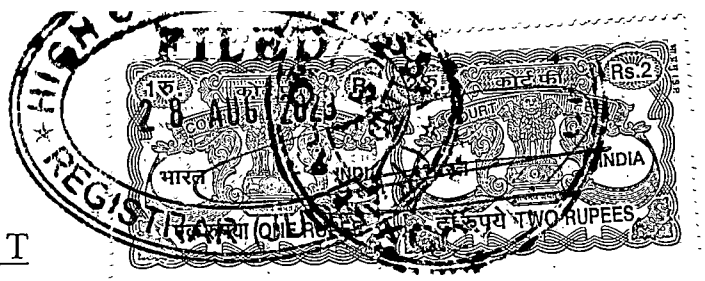
Cuttack

Advocate *R Swain*

Date: 28.08.2023

For the Appellants

Surendra Prasad Dhanu
Advocate
NOTARY, CUTTACK



AFFIDAVIT

I, Hazi Md. Ayub Khan, aged about 75 years, son of Late Abdul Gaffar Khan, Village-Sivaji Nagar, PS-Kantabanji, Dist-Balangir, do hereby solemnly affirm and state as follows ;

42083

1. That I am the petitioner No.1/ Appellant No.1 in the instant case and have been duly authorized to swear this affidavit on behalf of other petitioners/Appellants.
2. That the facts stated above are all true to the best of my knowledge and belief.

Identified by:

Bidoy Kumar Dele
Advocate's clerk

Hazi Md. Ayub Khan

Deponent

Certificate

Certified that due to non-availability of cartridge paper this petition has been typed in thick white papers.

Cuttack

Advocate

R. Swam

Date: 28.08.2023

For the petitioner

The above named Deponent
Solemnly affirm on.....
.....Being Identified
by.....

28/08/2023

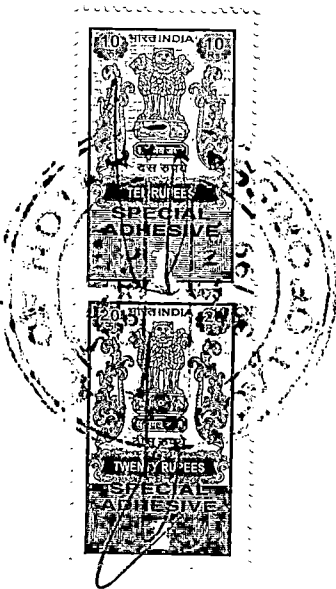
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Surendra Prasad Dhal

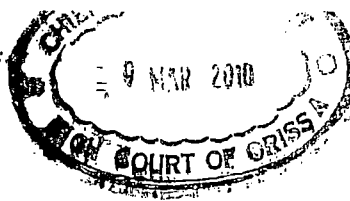
Advocate

NOTARY, CUTTACK

NOTARY, CUTTACK



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17
ANNEXURE-1

IN THE HIGH COURT OF ORISSA, CUTTACK.

W. P. (C) No. 4667 OF 2010

Collector, Bolangir.

Petitioner.

- Versus -

Hazi Md. Ayub Khan & Others.

Opposite parties.

INDEX

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3.	Annexure-2 Copy of petition dated 25.02.2009 of plaintiffs.	19
4.	Annexure-3 Certified copy of the order dated 25.02.2009 of the learned Civil Judge (S.D) Titilagarh.	20
5.	Annexure-4 Copy of petition dated 30.03.2009 filed by The plaintiffs in CS 67/2006.	21 - 22
6.	Annexure-5 Certified copy of the impugned order dated 15.04.2009 passed in CS 67/2006.	23 - 25

Cuttack,

Dated. 06.03.2010.



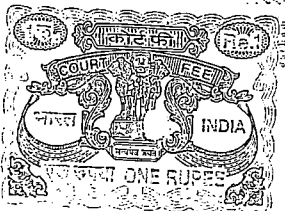
Adtl. Government Advocate.

Rohan

True Copy

Attested

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IN THE HIGH COURT OF ORISSA, CUTTACK.

(ORIGINAL JURISDICTION CASE)

W. P. © NO. 4667 OF 2010

Code No. 280400

In the matter of :

An application under Articles 226 and 227 of the
Constitution of India.

And

In the matter of :

Collector, Balangir.

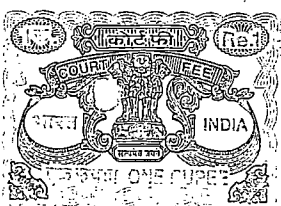
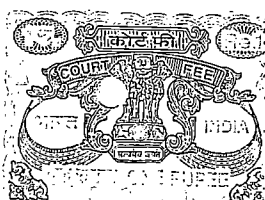
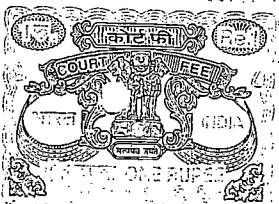
Petitioner.

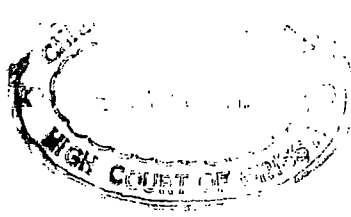
- Versus -

1. Hazi Md. Ayub Khan, aged about 57 years,
son of Abdul Gafar Khan,
resident of Sivaji Nagar, Kantabanji, Dist. Bolangir.
2. Dr. Md. Ayaz Khan, aged about 36 years,
son of Hazi Md. Ayub Khan,
resident of Sivaji Nagar, Kantabanji,
Dist. Bolangir.
3. Dr. Asma Frheen Khan, aged about 26 years,
wife of Dr. Md. Ayaz Khan,
resident of Sivajinagar, Kantabanji,
Dist. Bolangir.

(Plaintiffs in the Court below)

4. D. Y. Patil Educational Society,
2126, E. Tarabai Park, Kolhapur,
Maharastra-4/6003, represented by its
President, Sanjoy D. Patil.





5. Sanjoy D. Patil,
President, D.Y.Patil Education Society,
2126 E.Tarabai Park, Kolhapur, Maharastra-416003.

6. Padmashree Dr. D. Y. Patil,
Founder, D.Y.Patil Educational Society,
2126 E.Tarabai Park, Kolhapur, Maharastra-416003.

(Nos. 4 to 6 were Defendants 1 to 3 in the court below)

..... Opposite parties.

The matter out of which this application arises
was never before this Hon'ble Court in any form.

To

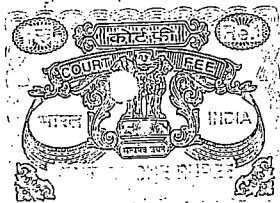
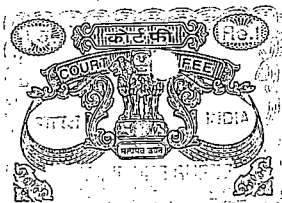
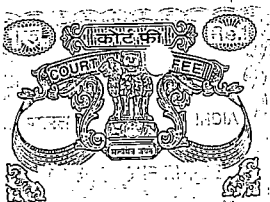
The Hon'ble Shri I. M. Quddussi, LL.B., the Acting
Chief Justice of the Orissa High Court and His Lordship's
Companion Justices of the said Hon'ble Court.

The humble petition of the
Petitioners named above.



MOST RESPECTFULLY SHEWETH :

1. That the petitioner in this writ petition has challenged the order dated 15.04.2009 passed by the learned Civil Judge (Senior Division), Titilagarh in C. S. No. 67 of 2006 in directing to issue a certificate authorizing the plaintiff to receive back the full amount of court fees paid in respect of the plaint filed in the suit from the Collector, Bolangir as illegal, arbitrary and contrary to law.
2. That the petitioner is a State within the meaning of Article-12 of the Constitution of India and is amenable to the Writ Jurisdiction of this Hon'ble Court.
3. That the opposite parties 1 to 3 as plaintiffs have filed Civil Suit No.67 of 2006 before the learned Civil Judge (Senior Division), Titilagarh for recovery of a sum of Rs.18,76,783.50p. from the



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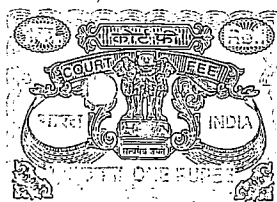
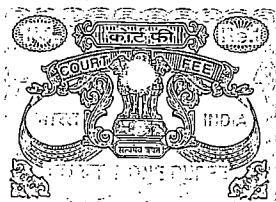
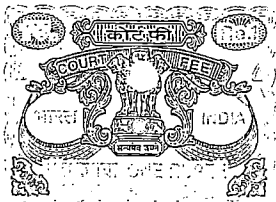
-20-

defendants (O.P.Nos. 3 to 6) D.Y.Patel Educational Society, 2126-E.Tarabai Park, Kolhar, Maharashtra-426003 represented by its President Sanjay D. Patel and two others. During filing of the plaint in the suit, plaintiff had paid a court fee of Rs.60,874.00. A copy of the plaint filed by the plaintiffs before the learned Civil Judge (S.D), Titilagarh is filed herewith as Annexure-1.

After admission of the suit, notices were sent to the defendants returnable by 07.03.2007. As the defendants in spite of receipt of notice failed to appear in the court on the date fixed and did not take any step in the suit, for which the suit was set-exparte by the learned court. On 07.03.2007 the suit was posted to 04.04.2007 for exparte hearing.

4. That it is pertinent to mention here that the suit before the learned Civil Judge (S.D), Titilagarh was adjourned from time to time to different dates on the petition filed by the plaintiffs for exparte hearing till 25.02.2009. The Advocate for the plaintiffs filed a petition on 25.02.2009 stating therein that the plaintiff and the defendants have taken steps to compromise the matter and accordingly wanted for disposal of the suit. In the said petition it was further prayed that the suit be referred to Hon'ble Lok Adalat for disposal. A copy of the petition dated 25.02.2009 filed by the plaintiffs before the learned Civil Judge (S.D), Titilagarh is annexed herewith as Annexure-2.

The learned court below without passing any order on the petition dated 25.02.2009 filed by the plaintiffs has posted the suit to 25.03.2009 for further orders. Certified copy of the order dated 25.02.2009 passed by the learned Civil Judge (S.D), Titilagarh is filed herewith as Annexure-3.

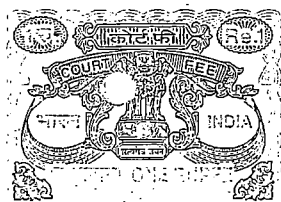
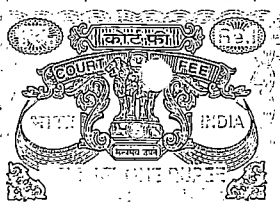
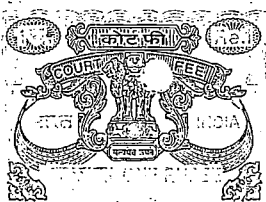


5. That even though the suit was not posted to 24.03.2009, the learned Civil Judge was pleased to adjourn the matter to 04.04.2009 on the petition filed by the plaintiffs. On 30.03.2009 the plaintiffs have filed another petition stating that plaintiff and defendants have compromised the matter out of court amongst themselves and the plaintiffs have received the agreed amount in full and final of the claim amount and prayed to dispose of the suit and pass order for refund of court fee on a combined reading of Section 89 C.P.C. and Section 16 of the Court Fees Act. A copy of the petition dated 30.03.2009 filed by the plaintiff in C.S.No.67 of 2006 is filed herewith as Annexure-4.

The learned Civil Judge on 15.04.2009 has disposed of the suit with a direction to issue a certificate authorizing the plaintiff to receive back the full amount of court fees paid in respect of the plaint filed in the suit from the Collector, Bolangir. The certified copy of the order dated 15.04.2009 passed in C.S.No.67 of 2006 by the learned Civil Judge (S.D), Titilagarh is filed herewith as Annexure-5.

6. That the impugned order dated 15.04.2009 passed by the learned Civil Judge in C.S.No. 67 of 2006, Annexure-5, is bad, illegal and contrary to law and the same is liable to be set-aside.

It is humbly submitted that the Collector, Bolangir was neither a party in the Civil Suit No.67 of 2006 before the learned Civil Judge, (Senior Division), Titilagarh nor any relief has been claimed by the plaintiffs in the suit against the Collector, Bolangir. The suit was proceeded before the learned Civil Judge between the plaintiffs and the defendants and the Collector, Bolangir has no scope to entangle in the suit. Therefore, the impugned order dated 15.04.2009 under



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Annexure-5 is illegal and contrary to the settled principles of law and is liable to be quashed.

7. That it is humbly submitted that neither Section 89 of the C.P.C. nor Section 16 of the Orissa Court-Fees Act stipulates refund of court-fee. Rather Section 89 of the C.P.C. prescribes settlement of dispute outside the court. For better appreciation Section-89 of the C.P.C. is reproduced below-

"Section-89. Where it appears to the court that there exist elements of a settlement - acceptable to the parties the court shall formulate the terms of settlement and give them to the parties for their observation and after receiving the observation of the parties the court may reformulate the terms of possible settlement and refer the same for Arbitration, Conciliation, Judicial Settlement including Settlement through Lok-Adalat or mediation."

Further Section-16 of the Orissa Court-Fees Act, 1870 stipulates additional fee where respondent takes objection to unappealed part of decree (Repealed by the Code of Civil Procedure, V of 1908).

Section-13 of the Orissa Court-Fees Act, 1870 prescribes refund of fee paid on memorandum of appeal-

"Section-13. If an appeal or plaint, which has been rejected by the lower court on any of the grounds mentioned in the (Code of Civil Procedure) is ordered to be received, or if a suit is remanded in appeal on any of the grounds mentioned in (Section 351 of the same Code for a second decision by the lower court, the appellate court) shall grant to the appellant a certificate, authorising him to receive back from the Collector of the full amount of fee paid on the memorandum of appeal.

Provided that if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject matter the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject matter in respect whereof the suit has been remanded."



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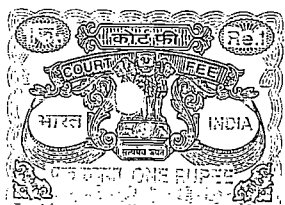
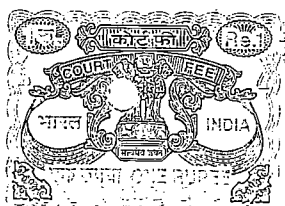
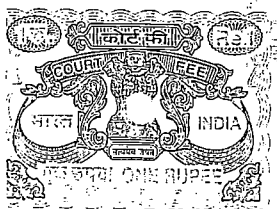
8. That it is humbly submitted that when the suit was subsequently compromised outside the court and was withdrawn before it was heard by the court, court cannot exempt the plaintiff from paying the court fee. Court cannot in such a case order to refund of court fee. It is the settled principle of law that the court-fee can be refunded only in case where excess court-fee has been paid under orders of the court which orders are subsequently reversed or set-aside. In such a case the court is bound to rectify its own mistake in calling upon the party to pay the court-fee which he is not bound to pay under law. Therefore, in cases where refund cannot be ordered under any provisions of the Orissa Court-Fees Act, the court cannot grant certificate under section 89 of the C.P.C. stating the circumstances under which the court-fees has been paid so as to enable the party to get the refund of court fee from the revenue authorities ex-gratia or otherwise.

9. That the court can order refund of court-fee only -

- (i) Whether the Court-Fees Act applies;
- (ii) Where there is an excess payment by mistake;
- (iii) Where on account of mistake of court a party has been compelled to pay court fee either wholly or in part.

In the instant case applying the provisions of 89 C.P.C. the learned court below disposed of the suit as per the settlement made between the parties and further directed the plaintiff to refund of court-fee which he has paid while filing the suit and issue certificate to that effect, which is not tenable in the eye of law.

10. That the plaintiffs on 14.07.2009 filed an application before the Collector, Bolangir for refund of court-fee amount paid in the plaint of the suit along with the certificate granted in his favour



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and thereafter the Collector for the first time came to know about the order of the learned Civil Judge, Senior Division, Titilagarh. The Collector/petitioner has not been made a party in the suit filed by the plaintiffs before the learned Civil Judge (SD), Titilagarh. The impugned order under Annexure-5 has been passed behind the back of the petitioner and therefore, the petitioner is not liable to refund the court fee amount. The learned Civil Judge has committed gross error of law by directing to issue a certificate authorizing the plaintiff to receive back the full amount of court fees paid in respect of the plaint filed in the suit from the Collector, Bolangir.

11. That the petitioner having no other equal and efficacious remedy has approached this Hon'ble Court for redressal under Article-226 and 227 of the Constitution of India.

Prayer

It is, therefore, prayed that this Hon'ble Court may be graciously pleased to admit this petition and issue notice to the opposite parties, call for the records of the learned court below and after hearing the parties allow this writ petition by setting aside the order dated 15.04.2009 passed by the learned Civil Judge (S.D), Titilagarh in C.S. No.67 of 2006 under Annexure-5.

And pass such other order/orders as this Hon'ble Court consider to be fit and proper in the facts and circumstances of the case.

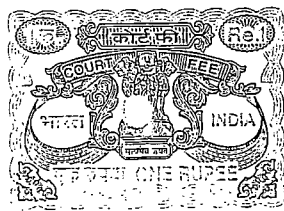
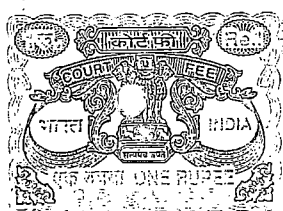
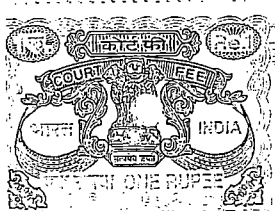
And for this act of kindness, the petitioner shall as in duty bound ever pray.

By the petitioner through

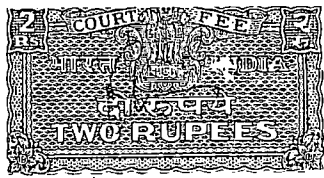
Cuttack,

Dated. 05.03.2010.

Addl. Government Advocate.



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AFFIDAVIT

I, Sri Mohan Sahu, aged about 48 years, son of late Ganapati Sahu, at present working as Revenue Officer, Office of the Sub-Collector, Titilagarh, Dist. Bolangir, do hereby solemnly affirm and state as follows :

1. That I am acquainted with the facts of the case and have been duly authorized by the petitioner to swear this affidavit on his behalf.
2. That the facts stated in the writ petition as well as in the affidavit are true to my knowledge and belief, based on official records.

Cuttack,

Dated. 06.03.2010.
Identified by :

Narottam Dash
Asst. A.G's. Office. 6/03/10

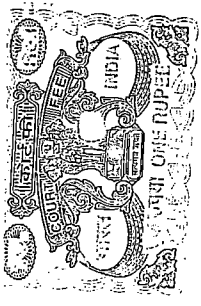
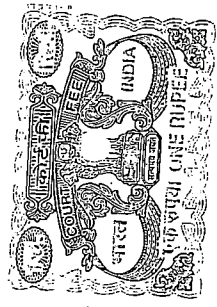
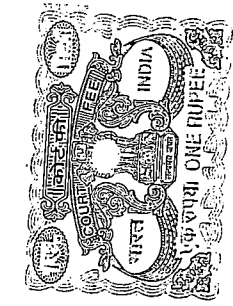
Deponent.

Certified that Cartridge papers are not available.

Addl. Government Advocate.

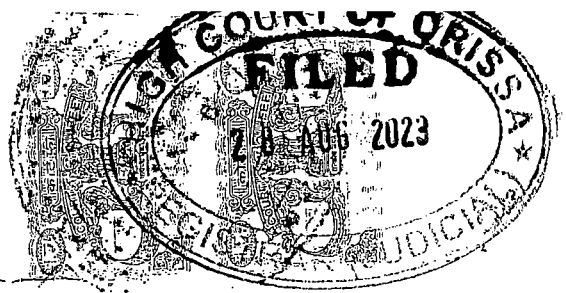
Identified by: M. Sahu.
N. Dash, Asst. A.G. office.

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Copy of certified copy of the
is issued in the No. 67 of 2006
of the court of the civil judge
at Titilagarh.

IN THE COURT OF THE CIVIL JUDGE (SR. DIVISION): TITILAGARH

Civil Suit No. 67 /2006

01. Hazi Md. Ayub Khan, Aged about 57 years,
son of ~~Md. Ayub Khan~~ ^{Md. Ayub Khan} resident
of Sivaji Nagar, Kantabanji, District Bolangir.
02. Dr. Md. Ayaz Khan, Aged about 36 years, Son of
Hazi Md. Ayub Khan, resident of Sivaji Nagar,
Kantabanji, District Bolangir.
03. Dr. Asma Frheen Khan, Aged about 26 years,
Wife of Dr. Md. Ayaz Khan, resident of Sivaji
Nagar, Kantabanji, District Bolangir.

Versus

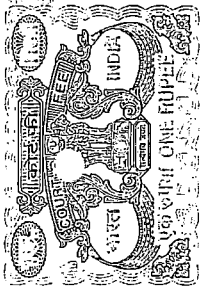
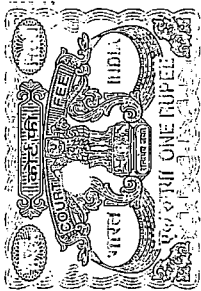
PLAINTIFFS.

01. D.Y. Patil, Educational Society, 2126
E, Tarabai Park, Kolhapur, Maharashtra
416003, represented by its President
by its President Sanjoy D. Patil.
02. Sanjoy D. Patil, President, D.Y. Patil,
Education Society, 2126 E, Tarabai Park,
Kolhapur, Maharashtra -416003.
03. Padmashree Dr. D.Y. Patil, Founder, D.Y.
Patil Educational Society, 2126 E, Tarabai Park,
Kolhapur, Maharashtra 416003. .. DEFENDANTS

The plaintiffs named above begs to state as follows:-

- 1) That, the Plaintiffs are permanent residents of
Sivaji Nagar, Kantabanji in the District of Bolangir. The
plaintiffs No. 2 and 3 are the son and daughter-in-law
respectively of plaintiff No. 1 who is now the M.L.A. of
Kantabanji constituency in the state of Orissa.

Contd. P. 2...



5.3.16
1. At the office
2. Sub-Collector
3. Tahsil Officer

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2) That, the Defendant No.2 and 3 are the President and founder respectively of defendant No.1 Institute (Society) The Defendant No.1 society namely D.Y. Patil Educational Societ has it Head Office at 2126-E, Tarabai Park, Kolhapur in the State of Maharashtra having its Educational Institutions in different parts of the said state.

3) That, the plaintiffs No.2 and 3 are both Doctors holding M.B.B.S. Degree and have good academic career. Especially Plaintiff No.2 is a Gold Medalist and stood 1st in the University. The defendant No.1 institute purports and declares to be having good reputation in the country for imparting Education in Medical Science. The plaintiff No.2 and 3 believing in good faith that they would be academically benefited and would have better prospects in life, applied for prosecuting their P.G. courses in the said Institute. Plaintiff No.2 applied for admission post Graduate course in Orthopaedics where the plaintiff No.3 applied for admission in Graduate course in Gynecology.

4) That, on being applied, they were informed by the institute that the admission fee for both plaintiff No.2 and 3 would be Rs.23,00,000/- (Rupees twenty three lakhs). since plaintiffs No.1 and 2 were not financially strong, they took the help of plaintiff No.1 who assured them to provide major financial help for prosecuting their respective P.G. courses.

5) That, on being assured by the Defendant Institute that the plaintiff No.2 and 3 shall be provided admission in their respective subjects in post Graduate courses on payment of full course fee, the plaintiffs No.1 and 2 went on sending the said amount i.e. Rs.23,00,000/- (Rupees twenty three lakhs) by several Bank drafts obtained from various banks which were also encashed by the defendant institute and acknowledged the receipt of the full amount for admission and completion of the P.G. courses by Plaintiff No.2 and 3 through its

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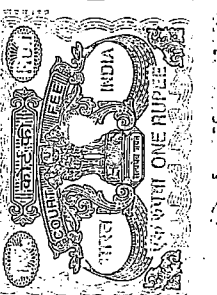
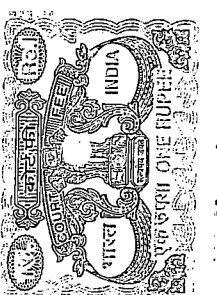
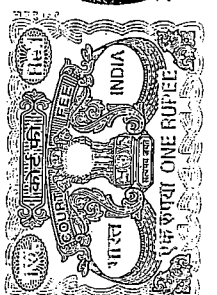
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President defendant No.2 by letter dt. 27.2.2003 and 25.3.2003 respectively.

It may be pertinent to submit here that the aforesaid amount was arranged by the Plaintiff No.2 and 3 by incurring loans from various sources including from Plaintiff No.1

6) That, inspite of receipt of the amount in full for P.G. courses, the defendants did not send any intimation regarding date of admission as well as the date of beginning of the Sessions for said courses. After waiting for reasonable period the plaintiffs No.2 and 3 sent letters and also requested the defendant No.2 over telephone, with the anxiety to get admitted to the P.G.Courses on their respective desired subject. But the institution / its office holders neither responded nor did take any steps to admit Plaintiffs and 2 and 3 prosecution of their higher studies in P.G.Course. As a consequence of which the academic career of the plaintiffs No.2 and 3 and their high expectations turned out to be day dreams. The defendants betrayed the faith reposed in them by the plaintiffs by not providing entry to the courses even though the entire fee as demanded was paid by the plaintiffs. Plaintiff No.1 who had a great hope and expectation to see the prosperity and high rank of his son, daughter-in-law in the society got frustrated. It may be noted that the defendants had no justification for demanding and accepting the aforesaid heavy amount of Rs.23,00,000/- (Rupees Twenty three lakhs) if no seat/admission could be provided for plaintiff No.2 and 3. It is submitted that the plaintiffs have been sending money to comply the demand of the defendants, in different instalments right from the month of January, 2003 the details of which shall be furnished if disputed. On the other hand the money deposited by the plaintiffs as aforesaid was retained and it is reasonable to believe that the institution and its authorities utilised the same for their own purposes. As a result, the plaintiffs No.2 and 3 were deprived of prosecuting their higher study elsewhere. The plaintiffs were deprived of the benefits of

CO-1, P.1...



Asma

Mohammad Asma

✓

no 6
trial
of
the
case
is
under
review
of
the
court
(Rev. Asma)

P

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- 4 -

their own money which they could have utilised for prosecuting their studies in some other educational institution. In the alternative, they could invest the said amount of money for their financial benefit.

7) That, being disappointed the plaintiffs demanded for repayment of the money received by the defendants with interest. in response to the repeated demands of the plaintiffs, the defendants paid back the money deposited by the plaintiffs Phase-wise during the period from December, 2003 to 206.2005 but didnot pay the interest/damages for illegal detention of the money and other dues like money spent by wa of the Bank commission for ~~rep~~ preparation of draft. It is submitted that while getting back the deposited amount from the defendants which was sent in different instalments by way of Cheque and drafts, the plaintiffs again spent money by way of Bank commission for their encashment.

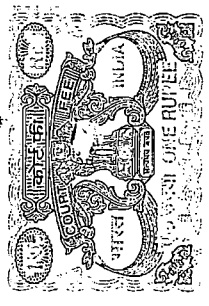
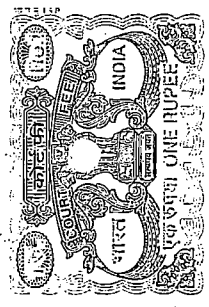
8) That, though the plaintiffs repeatedly demanded their legitimate dues from the defendants, the defendants turned deaf ears. They did not respond to the demand made by the plaintiff and avoided the telephone calls from the plaintiff and on some plea or other. In the aforesaid circumstances the ~~pk~~ plaintiffs without finding any way out, sent Regd. Notices through their lawyer on 11.11.2005 with a demand of interest as well as other legitimate dues which was duly received by the defendants, but not responded. The defendants are jointly and severally liable to pay the amount as per the Schedule of claim given below.

9) That, due to lapses, false representations of the defendants, the plaintiffs were deprived of their higher studies for making a more successtull carrier while their batch mates have surpassed them. The plaintiff Nos. 2 and 3 are entitled to be compensated for the said loss which has been included in the schedule of claim attached to this plaint.

Contd.P.5...

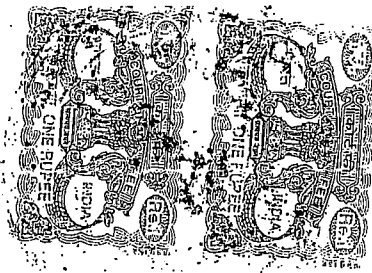


Asma Faruq
Mohammad Ali



7

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- 5 -

10) That the offer floated for admission to the aforesaid educational courses in the defendant No.1 institute having been accepted by the plaintiffs at Kantabanji and they having sent the demanded amount mostly from Kantabanji the cause of action for this suit partly arises at Kantabanji within the jurisdiction of this Hon'ble court.

11) That, the cause of action for filing the present suit arose on January, 2003 when the plaintiffs applied for prosecuting P.G.Course in the defendant No.1 institution, from Kantabanji send drafts for Rs.23,00,000/- on 25.3.2003 and 27.3.2003 when the defendants acknowledged the receipt of the full amount, on 10.2.2004 when the plaintiffssought for information from defendant No.2 with regard to their admission, on 17.12.2004 when plaintiff No.3 again sought for information about the reason for not permitting their admission to P.G.Course, on 10.1.2005 and 20.6.2005 when the defendant No.2 admitting the liability paid back a part of money to the plaintiffs which they had received while at K antabanji and on 11.11.2005 when the plaintiffs sent a notice of demand through lawyer and on each subsequent days thereafter till filing of xx the suit.

12) That, the suit being for recovery of money/damage sustained by the plaintiffs is valued at Rs.18,76,783 +50ps. (Rupees eighteen lakhs seventy six thousand seven hundred eighty three and fifty paise) only. for the purpose of court fee and jurisdiction and court fee of Rs. 60,874 /- is paid herewith.

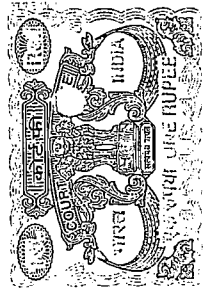
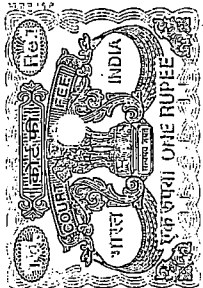
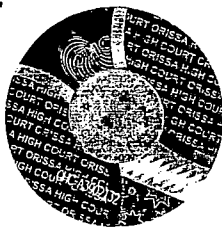
Muhammad Ayub Khan

Titilagarh,

By the plaintiffs through

Date,

Advocate. 19.2.2006
for plaintiff



P

13) DOCUMENTS RELIED UPON

- a) Copy of the Drafts prepared for Rs. 23,00,000/- by the Plaintiffs in favour of Defendant No.1 institution Sheets
- b) Copy of receipt of the defendants acknowledging receipt of the amount ... Sheets.
- c) Copy of the letter dt.10.2.2004 and 17.12.2004 requesting/seeking information about admission to P.G.Course and thereon for cancellation of the same sent by the plaintiff No.1 and 2 respectively. ... sheets.
- d) Copy of the Drafts received by the plaintiffs from the defendants. ... Sheets.
- e) Copy of a chart prepared by the charatered Accountant showing the amount and the interest which could have incurred on being deposited in x any financial institution. .. Sheets.
- f) Copy of the lawyer's notice dt. 11.11.2005 sent to the defendants. .. Sheets.
- g) Any other documents to be relied upon shall be filed at the time of hearing.

14) That, the plaintiffs therefore prays :-

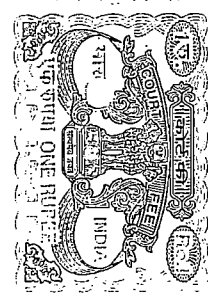
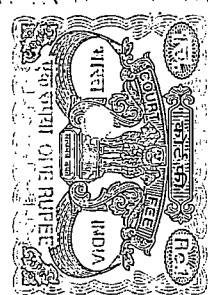
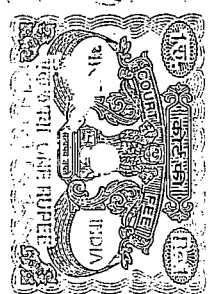
- a) Ist a decree for recovery of Rs. 18,76,783.50 (Rupees eighteen lakhs, seventy six thousand seven hundred eighty three and fifty paise) only be passed against the defendants infavour of the plaintiffs.

Contd. P.7...



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= 31 =

Atma Lakshmi Kishan
Nikhil Kumar



18.11.05
18.11.05
18.11.05

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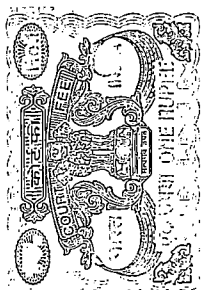
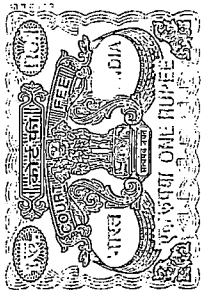
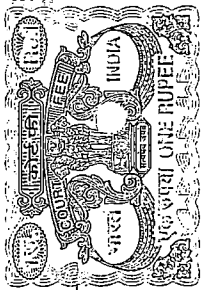


- 7 -

- b) Let a further decree be passed against the defendants to pay the pendente lite and future interest on the claimed amount till the actual payment @ 12 % P.A. ;
- c) The cost of the suit be decreed in favour of the plaintiffs and against the defendants;
- d) Any other order/Orders, decree be passed in favour of the plaintiffs as the Hon'ble court deems fit and proper;

VERIFICATION

I, Hazi Md. Ayub Khan, Aged about 57 years s/o
 Resident of Sivaji Nagar, Kantabanji,
 District Bolangir, the plaintiff No.1 in the above suit
 do hereby verify for self and on behalf of other plaintiffs
 that the facts stated above in the suit are all true to the
 best of my knowledge and belief and I sign this verification
 on this the 19th day of June, 2006.



*03 K/ces
 19.6.06
 Advocate for
 plaintiff*

*27/06/06
 11/06/06*



✓ Mohammad Ayub Khan
 Verificant.

✓ Mohammad Arif Khan

✓ Asma Farheen Khan
 Contd.P.9...

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- 8 -

S C H E D U L E

1. Bank Commission for obtaining the Draft sent to the defendants amounting to Rs.23,00,000/- Rs. 5,061.25
 2. Bank commission for collection of the money sent by the defendants by way of refund under the cheque. Rs. 8,210.00
 3. Interest @ 12 % per annum on the amount sent to the defendant from the date of respective drafts till the date of repayment by the defendants. Rs. 5,63,512.25
 4. Compensation for disruption and consequential loss of a carrier of Plaintiff No.1 & 2 @ Rs.5,00,000/- each. Rs.10,00,000.00
 5. Compensation for mental tension and agony of the plaintiffs at the rate of Rs.1,00,000.00 (Rupees one lakh) each. Rs. 3,00,000.00
- Rs.19,76,783.50

Pendentilite and future interest on the claimed amount till actual payment @ Rs.12 % per annum or as would be deemed fit and proper be also directed to be paid to the plaintiffs.

Mohammad Ayaz Khan

Mohammad Ayaz Khan

Approved for Plaintiff

*Attest
5.3.10
Revenue Officer
Sas-Subdivision Officer
Tehsil Laghari*

P

17th Feb 2010
15th Feb 2010
DIR-18th Feb 2010
DIR-15th Feb 2010

34



C/A 16/16
10/2/06

A F F I D A V I T

I, Hazi Md. Ayub Khan, Aged about 57 years S/o

Aladul Gajaz Khan, Resident of Sivaji Nagar, Kantabanji,
P.O/P.S. Kantabanji, District Bolangir, do hereby solemnly
affirm and state as follows:-

- 1) That, I am the plaintiff No.1 in the above suit
and looking after the suit on behalf of other plaintiffs.
- 2) That, I am duly authorised to swear this affidavit
for self and on behalf of other plaintiffs.
- 3) That, the facts stated above are all true to the
best of my knowledge and belief.

I identify by me.

Mohammad Ayub Khan

Deponent.

Advocate.

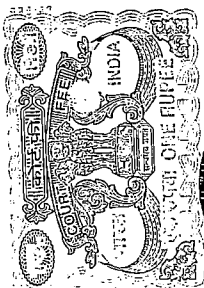
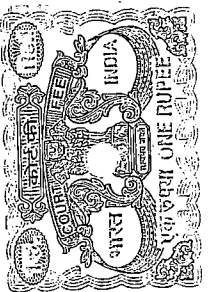
I, do hereby declare that the contents of
affidavit are true to the best of my know
ledge and belief. Hence I put my signature
on this the 19th day of June, 2006.

Mohammad Ayub Khan

Deponent.

C E R T I F I C A T E

Certified that due to want of cartridge papers this
has been typed in tick blue plain papers.



Att. Am
Shashank
5.3.10
(Rev. Office,
Sno. collector's office
Tet. Lg. 10/11)

Advocate.

P

28-4-70

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35.



172-0

0.50

0.50

FC/15.75

X 6.50

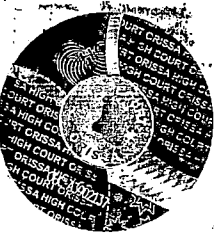
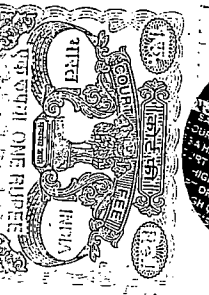
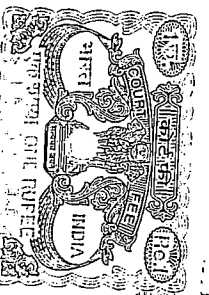
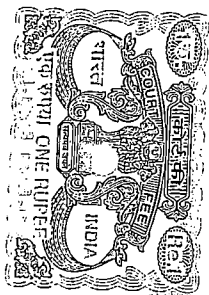
22-45

18/2/70

1/22/70 Ayub Khan 30 Lante A. L. S. Khan

1/8/70 Ayub Khan 10 Lante A. L. S. Khan

1/10/70 Ayub Khan 10 Lante A. L. S. Khan



A. L. S. Khan

CR. Office

S. L. Khan

T. Khan

Mohammad Ayub Khan

The Government is hereby...

and stamp properly paid

10-2-2010

P

Annexure- 2.

Xerox certified copy of petition filed
on dtd. 25.2.2009 in C.S.No.67/06 of the
Court of C.J.(S.D.) Titilagarh .

In the Court of Senior Civil Judge, Titilagarh

Case No. C.S. 67 /06

Md. Ayub Khan.

.... Plaintiff

- Versus -

In the above case Advocate for the Plaintiff
is present today in the Court and begs to state as
follows :

1. That the plaintiff and Defendants have taken
steps to compromise the matter and accordingly wants
to dispose of the suit.
2. That it will better to refer the matter to
Lokadalat are its disposal.

It is therefore prayed that the Hon'ble Court
be pleased to refer the matter or be posted in Loka
Adalat for its disposal.

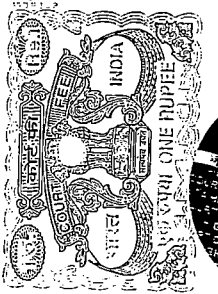
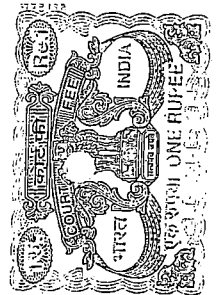
Sd/- Illegible

25.2.2009

Advocate for Plaintiff

*Time copy attached
18/2/2009
5.3.10
M. H. S. S. S. S.
M. H. S. S. S. S.
M. H. S. S. S. S.*

P



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Annexure-3.

Certified copy of order passed
on dtd. 25.2.2009 in C.S.No.67 of 2006
of the Court of C.J.(S.D.), Titilagarh.

COURT OF CIVIL JUDGE (S.D.), TITILAGARH

Civil Suit No. 67 of 2006

Md.Ayub Khan & Others Vers. D.Y. Patil & others

Serial Number	Date of order of Proceeding	Order with Signature of Court	Office action taken with date
1	2	3	4

1. Hazi Md. Ayub Khan, aged about 57 years
Son of Abdul G. far Khan, resident of
Sivaji Nagar, Kantabanji, Dist. Balangir
2. Dr. Md. Ayub Khan, aged about 36 years,
Hazi Md. Ayub Khan, resident of Sivaji-
nagar Kantabanji, Dist. Balangir.
3. Dr. Asma Frheen Khan, aged about 26 years,
W/o. Dr. Md. Ayaz Khan, resident of
Sivajinagar, Kantabanji, Dist. Balangir.

.... PLAINTIFF.

-Versus -

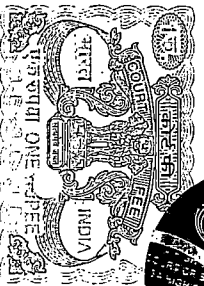
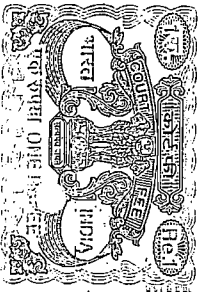
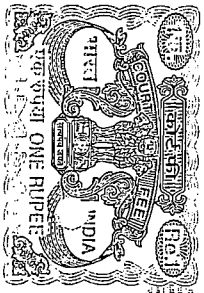
1. D.Y. Patil, Educational Society, 2126
E. Tarabai Park, Kolhapur, Maharashtra-
416003 represented by its President
by its President Sanjay D. Patil.
2. Sanjay D. Patil, President, D.Y. Patil
Education Society, 2126 E. Tarabai Park
Kolhapur, Maharashtra-416003.
3. Padmashree Dr. D.Y. Patil, Founder, D.Y. Patil
Educational Society, 2126, E. Tarabai Park
Kolhapur, Maharashtra-416003.

... DEFENDANTS.

Dt. 25.2.09 .

Adv. for the plff. files a petition paying for
time on the grounds stated therein. Heard. Time is
is allowed. He further files a petition praying to
place the record in L&k Adalat on the grounds stated
therein. Put up on 25.3.09 for F/O.

Sd/-
C.J.M.



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Xerox Certificate of Deposition
 Date 30-3-2009
 at Court of Senior Civil Judge, Titilagarh
 in Civil Suit No. 67 of 2006



IN THE COURT OF SENIOR CIVIL JUDGE, TITILAGARH

In Civil Suit No. 67 of 2006

Haji Md. Ayub Khan ... Plaintiff.

Versus

D. Pati & others. Defendants.

In the above case advocate for the plaintiff beg to state as follows:-

1) That, out of court plaintiff and defendants have compounded the matter amongst themselves and the plaintiffs have received the agreed amount in full and financial of the claim amount.

Hence prayed that the Hon'ble court be pleased to dispose of the suit and passed order for refund of court on a combined reading of sec. 89 C.P.C. and sec. 16 of the court fees act.

Hajimohammad Ayub Khan

I, an Advocate, declare that the contents of the petition are true to best of my knowledge. Hence I put my hand on this the 27th day of March, 2009 in the chamber of my Advocate Mr. E.K. Jain, at Titilagarh.

Haji Mohammad Ayub Khan
 Plaintiff.

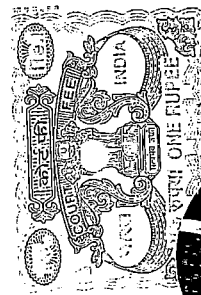
Typed to my dictation plaintiff is identified by me. Readover and explained the contents of the petition in Oriya to the plaintiff and after understanding the contents thereof admitted it to be correct.

[Signature]
 20

Certified and found to be a
 true copy. Filing properly
 and stamp properly Paid

Advocate for Plaintiff.

[Signature]
 25-9-09
 Conducting Clerk



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Annexure-4.

Xerox certified copy of petition
dated 30.3.2009 in Civil suit
No.67 of 2006 of the Court of
Civil Judge (S.R.Divn), Titilagarh.

In the Court of the Senior Civil Judge, Titilagarh

C.S.No. 67 /06

Md. Ayub Khan.

... Plaintiff

-Versus.-

D.Patil and others.

.... Defendants

Advocate for the above

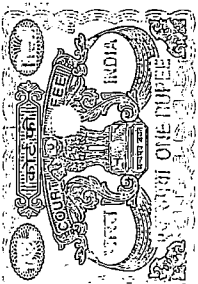
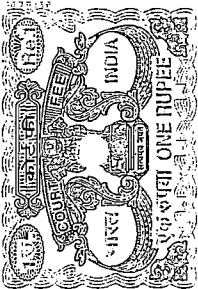
named Plaintiff beg to state as follows :-

- 1) That the case is fixed on 4.4.009
- 2) That the plaintiff files a petition to-day and hence case record is needed.

It is therefore prayed that the Hon'ble Court be pleased to call for the case record today.

Sd/- Illegible
30.3.09

Advocate for the Plaintiff.



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- 40 -

Handwritten note: *Handwritten text, possibly a date or reference, is present at the top of the page.*

IN THE COURT OF THE CIVIL JUDGE (SR.DIVISION), TITILAGARH

Civil Suit No. 67 /2006

01. Hazi Md. Ayub Khan, Aged about 57 years,
 1/12 son of ~~Md. Abdul~~ ^{Md. Abdul} ~~Shah~~ ^{Shah} Khan resident
 of Sivaji Nagar, Kantabanji, District Bolangir.
02. Dr.Md. Ayaz Khan, Aged about 36 years, Son of
 Hazi Md. Ayub Khan, resident of Sivaji Nagar,
 Kantabanji, District Bolangir.
03. Dr.Asma Erheen Khan,, Aged about 26 years,
 Wife of Dr.Md.Ayaz Khan, resident of Sivaji
 Nagar, Kantabanji, District Bolangir.

versus

PLAINTIFFS.

01. D.Y. Patil, Educational Society, 2126
 E, Tarabai Park, Kolhapur, Maharashtra
 416003, represented by it's President
 by its President Sanjoy D.Patil.
02. Sanjoy D.Patil, president, D.Y.Patil,
 Education Society, 2126 E, Tarabai Park,
 Kolhapur, Maharashtra -416003.
03. Padmashree Dr.D.Y.Patil, Founder, D.Y.
 Patil Educational Society, 2126 E, Tarabai Park,
 Kolhapur, Maharashtra 416003.

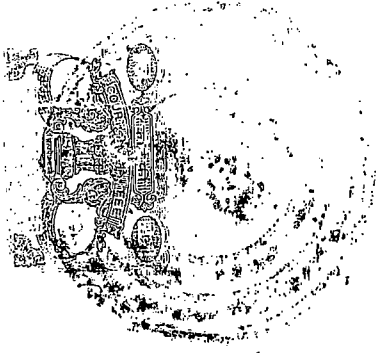
DEFENDANTS

15.4.09 ... Record is put up today for orders.
 On perusal of the record it is found that on
 25.2.09 learned advocate for the plaintiff
 has filed a petition stating therein that
 the plaintiffs and defendants have taken steps
 to compromise the matter and accordingly want
 to dispose of the suit. It is further stated
 that the suit be referred to Lok Adalat for

Handwritten signature and date: *Att. 1/3/10*

29

- 41 -



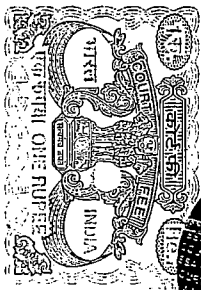
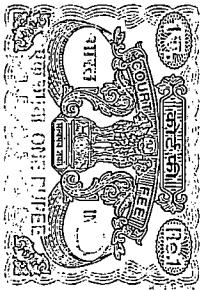
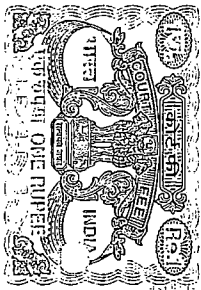
✓

/2/

disposal. The case was posted to 25.3.09 as the parties were found absent on that day. On 25.3.09 the case was adjourned to 4.4.09 as the plaintiff was ill and an adjournment petition was filed on behalf of the plaintiff. But on 30.3.09 the case record was advanced on the prayer of the plaintiff and the plaintiff has filed a petition with a prayer to dispose of the suit as the parties have settled the dispute among themselves and the plaintiff does not want to proceed with the case. Therefore, it is prayed on behalf of the plaintiff that the court fee paid by him be refund back to him as per section 89 CPC and u/s 16 of the Court Fees Act.

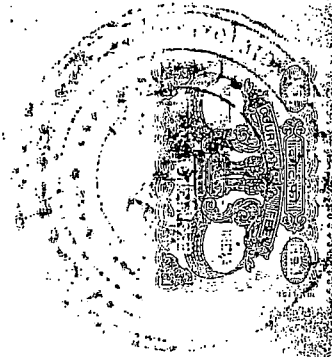
2. Section 16 of Court Fees Act deals with refund of fee. It provides that where the court refers the parties to the suit to any of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908) the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the Collector, the full amount of the fee paid in respect of such plaint.

3. Section 89 of CPC provides the modes of settlement of dispute outside the court. It is meant to bring about amicable settlement



Att. to Court
5.3.10

42



13/

between the parties by adopting reasonable modes to put an end to the dispute. In this case, plaintiff prayed to refer the matter to Lok Adalat for settlement of the dispute. But before referring the matter for an alternative settlement of dispute between the parties, it is found that the parties have settled their dispute for all times to come. Under the circumstance, plaintiff is entitled to refund of court fee paid while filing the suit. Hence, the petition is allowed. Issue a certificate authorising the plaintiff to receive back the full amount of court fees paid in respect of the plaint filed in the suit from the Collector, Bolangir. Accordingly, the suit is disposed of.

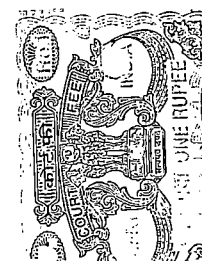
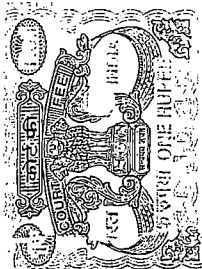
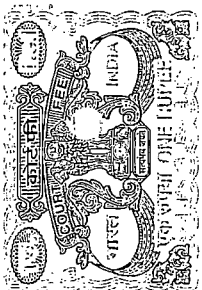
Civil Judge (SD), Titlagarh

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-01-2010 BY 60322 UCBAW

Continued on next page

True Copy

Attested



5-3-10

Pranam
Cachin

AFR

IN THE HIGH COURT OF ORISSA CUTTACK

W.P.(C) No.4667 of 2010

In the matter of an application under Articles 226 & 227 of the
Constitution of India.

Collector, Balangir

....

Petitioner

Versus

Hazi Md. Ayub Khan & Ors.

....

Opposite Parties

For Petitioner

...

Mr.S.P.Panda, Additional
Government Advocate

For Opposite Parties

...

None

JUDGMENT

PRESENT:

THE HONOURABLE JUSTICE BISWANATH RATH

Date of Hearing and Judgment: 14.12.2022

Biswanath Rath, J. Even after service of notice and appearance of set of counsel for contesting Opposite Party No.1 appearing for the Plaintiff in the Civil Suit No.67 of 2006, nobody is appearing to contest the matter.

2. The Writ Petition involves a challenge to the order of the Civil Judge (Senior Division), Titilagarh in C.S. No.67 of 2006 in allowing the application of the Plaintiff vide Annexure-4 requesting the trial court for disposing of the suit and passing the order for refund of the Court Fee. On a

combined reading of Section 89 of C.P.C. and Section 16 of the Court Fees Act, taking this Court to the nature of disposal of the suit involving a settlement outside the Court, Mr. Panda, learned Additional Government Advocate contended that the impugned order does not meet the contingency of Section 16 of the Court Fees Act. Particularly for there is no involvement of action in exercise of power under Section 89 of the C.P.C.

3. It is in the above circumstance, Mr. Panda, learned Additional Government Advocate requests this Court for interfering in the impugned order and setting aside the same. Considering the contention raised herein by the learned State counsel through the impugned order vide Annexure-5, this Court finds decision therein involved the application of the Plaintiff at Annexure-4, fact and relief sought for therein appears to be as follows:-

"1) That, out of court plaintiff and defendants have compounded the matter amongst themselves and the plaintiffs have received the agreed amount in full and financial of the claimx amount.

Hence prayed that the Hon'ble court be pleased to dispose of the suit and passed order for refund of court on a combined pleading of Section 89 of C.P.C. and Sec. 16 of the Court fees act."

It is in consideration of the above application, getting into the pleadings and the requests, this Court finds, there remains no doubt that the Plaintiff and the Defendant have compounded the matter amongst themselves without aid of the Court and however there involves a request to the trial court for passing an order for refund of the Court Fee in terms of Section 89 of C.P.C. and Section 16 of the Court Fee Act. Considering application of the provision at Section 89 of C.P.C. and Section 16 of the Court Fee Act by the Plaintiff and the Trial Court also, the Plaintiff in filing the application and the trial court in passing the impugned order, this Court here likes to take reference to the provision referred hereinabove as follows:-

Section 89 of C.P.C.:- Application to set aside sale on deposit-

- (1) Where immovable property has been sold in execution of a decree, any person claiming an interest in the property sold at the time of the sale or at the time of making the application, or acting for or in the interest of such person, may apply to have the sale set aside on his depositing in Court.
- (a) For payment to the purchaser, a sum equal to five percent of the purchase-money and
- (b) For payment to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which, may since the date of such proclamation of sale, have been received by the decree-holder.
- (2) Where a person applies under rule 90 to set aside of his immovable property, he shall not, unless he withdraws his application, be entitled to make or prosecute an application under this rule.
- (3) Nothing in this rule shall relieve the judgment-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale."

Section 16 of Court Fee:- Refund the Fee- Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (5 of 1908) the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the Collector, the full amount of the fee paid in respect of such plaint."

Reading the provisions from Section 89 of the C.P.C., this Court finds this involves a special proceeding declaring the manner of disposal of the Civil Suit without entering into the trial of the suit but under any of the modes stated therein. Looking to the pleadings and the prayer involved in Annexure-4, reading together with the provision contained in Section 89 of the C.P.C., this Court finds, the claim for disposal of the suit completely remaining outside the Court and in no circumstance comes under the disposal scope of Section 89 of the C.P.C. It is here taking into account the provision at Section 16 of the Court Fee Act and reading through the provision taken note hereinabove, this Court finds, this is a mechanism

46

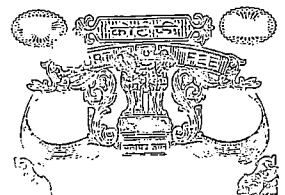
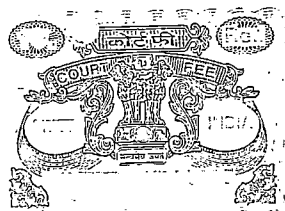
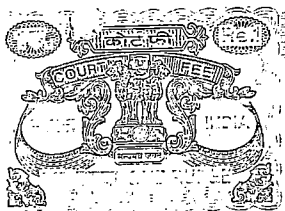
providing refund of Court Fee only in the case, there is reference of a suit to be disposed of in one of the modes of settlement of dispute referred to in Section 89 of the C.P.C. For the nature of disposal/settlement of the dispute claimed by the Plaintiff as recorded also by the trial court, for the opinion of this Court the disposal of the suit does not attract any of the provisions under Section 89 of the C.P.C. It is in the circumstance, there is no question of application of the provision of Section 16 of the Court Fees Act, 1870 to the case at hand. This Court finds, the impugned order herein against the provision of law. As an outcome, this Court interferes in the impugned order, vide Annexure-5 and sets aside the same.

4. The Writ Petition succeeds. No cost.

BI

Sd- Biswanath Rath, J

Orissa High Court, Cuttack.
Dated the 14th day of December, 2022/Swarna, Junior Stenographer



Comp by
Deatuk
7.8.23

True Copy

Attested Renuka
(adv)



- 47 -

Date of Application : 01.7
Date of Notification : 2.8
Date of Supply :- 8.8
Date of Ready :- 8.8
Date of Delivery : 9.8 2023

C.A. No- 76794 /2023	
MEMO OF COSTS	
	Rs. P.
Application Fee.....	7 00
Searching Fee.....	— —
Folios / No. Pages. 48 x 2	96 00
Hologram Fees..... 48 x 1	48 00
Photo Copier Fee. 48 x 1	48 00
Per Typed Copies..... x 5	— —
Total	199 00
(Rupees. One hundredNinety Nine.....only)	
ASD 8/8/23	EXAMINER OF COPIES CUM SUPERINTENDENT COPYING SECTION

CERTIFIED TO BE A TRUE COPY
DO 8/8/23
Assistant Registrar (Estt.)
ORISSA HIGH COURT
Authorised Under Section-76, Act-I of 1972

Raman

True Copy

Attested

Specific Departments, Services & Facilities 48



Cardiology

Angiography

- Coronary Angiography (Day care Radial Angiography)
- Carotid Angiography
- Peripheral Angiography
- Renal Angiography

Angioplasty / Stenting

- Coronary Angioplasty
- Peripheral Angioplasty
- Renal Angioplasty
- Rotablator Facility for Calcified lesion

Device Closure of Holes in Heart

- ASD Closure
- VSD Closure
- PDA Closure

Balloon Valvuloplasty

- BMV
- BPV
- BAV
- Coarctation Balloon Dilatation

Pacemaker/AICD Implantation

- Temporary Pacemaker
- Permanent Pacemaker
- AICD Implantation
- Biventricular Pacing

EPS+RFA

24 Hour Emergency Services

- ICU
- Cardiac ICU
- IABP/ Ventilator
- Primary Angioplasty
- Thrombolysis
- Dialysis Facility
- Ambulance Facility
- Pharmacy

Obstetric and Gynecology

- IUI/IVF/ICSI
- Complete infertility treatment
- Vaginal reconstruction surgeries
- Vaginoplasty
- Laparoscopy
- Hysteroscopy
- Hysterectomy (Abd/Vaginal/ Laparoscopy)
- Myomectomy
- Laparotomy /Ovarian cyst / Ectopic
- Fallopian Tube Recanalization
- Normal Delivery
- Cesarean Delivery (LSCS)
- MTP, TT
- High Risk Pregnancy Care
- Pregnancy with Hypertensive, Diabetes, Heart Disease etc.
- Family Planning

HIGH RISK PREGNANCY CARE

Cardiac Surgery

Adult Cardiac Surgery

- Coronary Artery By-Pass Surgery
- Total arterial by-pass surgery
- Minimal invasive cardiac surgery
- Mitral valve repair
- Valve Replacement Surgery
- Thoracic Surgery
 - Decortication
 - Lobectomy
- Vascular Surgery
 - Surgery for arterial thrombosis
 - Varicose vein
- Vascular repair and Trauma management

Pediatric Cardiac Surgery

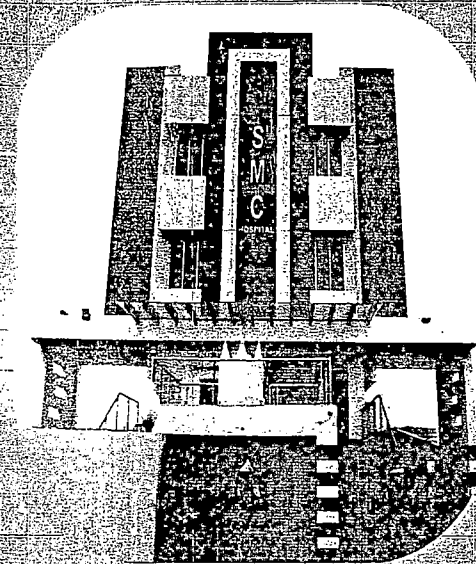
- Congenital Corrective Surgery
- Valve Replacement Surgery
- ASD Surgery
- VSD Surgery
- TOF Surgery
- Shunts

Anesthesia & Critical Care

- Adult & Pediatric Cardiac Anesthesia
- Adult & Pediatric Critical Care

ANNEXURE-3 Out Patient Record SERIES

Please bring this record with you



Date of Registration 10/09/20 Registration No. SMH/100279

Patients Name MR. MD AYUB KHAN

Age 74 Gender M Mob. No.: 9420329206

Name of Consultant Dr. DR. A. S. KHANNA



SMC Heart Institute & IVF Research Centre

Infront of BSNL Office, VIP Estate, Vidhan Sabha Road, Near Ashoka Ratan, Shankar Nagar, Raipur (C.G.) 49200
Email: contact@smchospital.in, Website: www.smchospital.in, Ph: 0771-2285999, Emergency: 883880012

True Copy

Attested
Kswain



Date: 28/5/22

Name of Consultant Dr.: Dr. S. S. Mohanty

Heart Rate: 66 bpm Blood Pressure: 120/80 mmHg Weight: 107 kg

Clinical Examination: STK - 96

Results of Previous Investigations:

ECG normal
Free of mites, worms

Investigation Advised	Treatment
PPBS 303 PAS 158	Rx ① Plavix 75 mg od
4b-137 4b-147	② Cardiva CR 100
S. 41.13 ✓ UA 8.2	③ Rosuvastatin 10 mg
Lip: L. 129/183/45/53	④ Ezetimibe 10 mg
23.31	⑤ Metformin 500 mg bid
Acho TMT	⑥ Citalopram 20 mg bid

⑦ 20 mg bisphosphonate
⑧ 20 mg Ryzodeg 12 ✓
⑨ 20 mg Januvia 1 ✓
⑩ 20 mg Amoxicillin 3 ✓
28/5/22
Sign. of Physician

49



Date: 21/2/22

Name of Consultant Dr.: Dr. S. S. Mohanty

Heart Rate: 64 bpm Blood Pressure: 120/70 mmHg Weight: 102 kg

Clinical Examination: SPO2 99.1%

Results of Previous Investigations:

Investigation Advised	Treatment
	Rx ① Rabeprazole 20 mg bid
	② Ezetimibe 10 mg
	③ 20 mg (20) od
	④ 10 mg (3.5) bid
	⑤ Manstrong od
	⑥ 20 mg Ryzodeg 12 ✓
	⑦ Sitagliptin 20 mg bid

⑧ 20 mg prandin (10) od

⑨ 20 mg as 12. by
Dr. Samal

28/2/22
Sign. of Physician



Date :

Name of Consultant Dr. : _____

Heart Rate: _____ Blood Pressure : 130/80 Weight: _____

Clinical Examination :

Results of Previous Investigations:

Protein test
sug chll + 0.01, Neutrophils 14%

Investigation Advised	Treatment
Hb 12.6	Rx ① Ivabid (2.5) bd 0-0
FBS 103/213	② Anto 17R 1.68R 1/2 1/2 1/2
H ₂ Lk 138/3.8	③ Dytar (20) od Mo.
S.G 1.18	④ Sobisis faks bd 0-0
UA 2-6	⑤ 9m Ryzodes 16 14 ✓
Lipids: 193/284/89/153/46	⑥ 9m Ryzodes 16 14 ✓
23 35	⑦ Dapexia 10 / Sitahen 20 ✓
Hb A _{1c} 10.4	⑧ Erospro N 35710 20/10

CSH 2.28

A2V

ABG

20% dize

⑨ Novimint

Sign. of Physician

Neutrophils 14%

= 50 =



Date :

Name of Consultant Dr. : _____

Heart Rate: _____ Blood Pressure : 140/80 Weight: _____

Clinical Examination :

Results of Previous Investigations:

Investigation Advised	Treatment
FBS 200	Rx ① 9m Ryzodes 1 20
CHL 4.35/1.1	② Planep 20 od
Ng/Lk 146/30	③ Cidmax (200) 1/2
UA 3.02	④ Erospro N 35710 20/10
	⑤ Ivabid (2.5) bd
	⑥ Dapexia 10 / Sitahen 20

⑦ Anto 17R 1.68R 1/2 1/2 1/2

⑧ Sobisis faks od

⑨ Fitree DM

Sign. of Physician



Date : 23/2/23

Name of Consultant Dr. : DR. S-S. MOHANY

Heart Rate: 77 *hr* Blood Pressure : 100/70 mmHg Weight: 111 kg
Clinical Examination : SPO₂ 95%.

Results of Previous Investigations:

Investigation Advised	Treatment
Cholesterol 5.1/1.8	Rx ① 9m Ry2023, 20
Ng/L 136/4.8	② Dimicron XR 600 <i>✓</i>
FBS 198 PPATC 328	③ Dapexia 100/1000
HbA1c 10.8 <i>5 months</i>	④ Planep 20 <i>ad</i>
	⑤ Cidmex 200 <i>1/2</i>
	⑥ Ecosprin 75/20 <i>10</i>
	⑦ Anto 100 <i>1000</i>

⑧ Fit 2 *2M* *ad*
⑨ Levizor M 160 *30*

S.S. Mohany
23/2/23
Sign. of Physician

= 51 =



Date :

Name of Consultant Dr. :

Heart Rate: Blood Pressure : Weight:
Clinical Examination :

Results of Previous Investigations:

Investigation Advised	Treatment
	Rx

Sign. of Physician



Specific Departments, Services & Facilities

Cardiology

Angiography

- Coronary Angiography (Day care Radial Angiography)
- Carotid Angiography
- Peripheral Angiography
- Renal Angiography

Angioplasty / Stenting

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- ASD Closure
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- BPV
- BAV
- Coarctation Balloon Dilatation

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- Temporary Pacemaker
- Permanent Pacemaker
- AICD Implantation
- Biventricular Pacing

EPS+RFA

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- Valve Replacement Surgery
- Thoracic Surgery
 - Decortication
 - Lobectomy
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 - Surgery for arterial thrombosis
 - Varicose vein
- Vascular repair and Trauma Management

Pediatric Cardiac Surgery

- Congenital Corrective Surgery
- Valve Replacement Surgery
- ASD Surgery
- VSD Surgery
- TOF Surgery
- Shunts

Obstetric and Gynaecology

Infertility Facility

- IUI
- IVF
- ICSI
- Sperm Donation
- Oocyte Donation
- Embryo Donation
- Embryo/Oocyte/Sperm Freezing
- Complete Infertility Treatment

Gynaecology Department

- Vaginal Reconstruction Surgeries
- Vaginoplasty
- Laparoscopy
- Hysteroscopy
- Hysterectomy (Abd/Vaginal/Laparoscopy)
- Myomectomy
- Laparotomy/Ovarian cyst/Ectopic
- Fallopian Tube Recanalization

Obstetric Department

- High Risk Pregnancy Care (Exclusive Centre)
- Cesarean Delivery (LSCS)
- Normal Delivery
- MTP, TT
- Pregnancy with Hypertension Diabetes, Heart Disease etc.
- Family Planning

Anaesthesia & Critical Care

- Adult & Pediatric Cardiac Anaesthesia
- Adult & Pediatric Critical Care

24 Hour Emergency Services

- ICU
- Cardiac ICU
- IABP/Ventilator
- Primary Angioplasty
- Thrombolysis
- Dialysis Facility
- Ambulance Facility
- Pharmacy

HIGH RISK PREGNANCY CARE

Exclusive Rotablator Atherectomy Angioplasty facility in Chhatisgarh



Out Patient

Please bring the

SMC HEART INSTITUTE
AND IVF RESEARCH CENTRE

Clinic :- Shree Narayan Heart Clinic
Near Gurudwara, Station Road, Durg

Thursday & 4th Sunday :- 6 pm to 9pm
Sunday :- 10 am to 01 pm

Dr. S.S. Mohanty MD., DM
F.E.S.C., F.S.C.A.I.
CRFC, F.A.C.C. (USA)
Director & Senior Consultant
Interventional Cardiologist

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Vidhan Sabha Road,
Near Ashoka Ratan,
Raipur-492 007 (C.G.)

Mob.: +91 9425522898
drssm2000@yahoo.com
website : drssmohantycardiologist.com

Date of Registration 10-9-20

Registration No. SH5006391C

Patient's Name Mr. MD. Ayub Khan

Age 71

Gender M

Mob. No.: 9437399786

Name of Consultant Dr. Dr. S.S. MOHANTY

SMC Heart Institute & IVF Research Centre

हार्टफुलनेस मेडिटेशन संपूर्ण
स्वास्थ्य के लिए रजिस्ट्रेशन लिंक :
bit.ly/hfneng, bit.ly/hfnhindi

Infront of BSNL Office, VIP Estate, Vidhan Sabha Road, Near Ashoka Ratan, Shankar Nagar, Raipur (C.G.) 492007
Email: contact@smchospital.in, website: www.smchospital.in, Ph: 0771-2285999, Mob: No: 7987395972

Our Tie-up
With

SMC-B.M. SHAH CARDIAC CENTRE
B.M. Shah Hospital Shastri Nagar,
Bhilai (C.G.), Mob.: 90986 55055

SMC LIFE LINE CARDIAC CENTRE
Polytechnic College Ring Road,
Ambikapur (C.G.), Mob.: 73548 82583

SMC-MPM CARDIAC CENTRE
Housing Board Colony, Dharampura-01
Jagdalpur (C.G.) 494001
Contact No.: 077822 29030,
8109229030, 8120991117

Emergency Contact No. : 8839800123



SMC Heart Institute & IVF Research Centre

Our consultants

हृदयरोग विभाग

डॉ. सतीश सूर्यवंशी

MD, DM

F.A.C.C., F.E.S.C., F.S.C.A.I.

Director & Senior Consultant

Interventional Cardiologist

Ex. Additional Director & Principal

Consultant Cardiology

Fortis Escorts Heart Centre Raipur

डॉ. एस. एस. मोहंती

MD, DM

F.E.S.C., F.S.C.A.I., C.R.F.C., F.A.C.C. (USA)

Director & Senior Consultant

Interventional Cardiologist

डॉ. आशीष मल्होत्रा

MD, DM (Cardio)

Senior Consultant

Interventional Cardiologist

डॉ. भरत अग्रवाल

DNB Med., DNB Cardio

Consultant

Interventional Cardiologist

हृदय शल्यक्रिया विभाग

डॉ. अजय चौरसिया

M.B.B.S., M.S., M.C.H. (CTVS)

Gold Medalist

Director & Senior Consultant

Cardio Thoracic & Vascular Surgeon

Minimal Invasive Cardiac Surgeon

Ex-Assistant Prof. U. N. Mehta,

Ahmedabad

डॉ. तुषार रवि मालेवार

MD, FELLOWSHIP & CARDIAC

ANAESTHESIOLOGIST

प्रसूति एवं निःसंतानता विभाग

डॉ. प्रज्ञा सूर्यवंशी

MD (Obs & Gynae)

FICOG, Diploma in ART Germany

Sr. Consultant Obs & Gynae

स्त्री एवं प्रसूति विभाग

डॉ. ममता दास

MD (Obs & Gynae)

Laparoscopic Surgeon

Sr. Consultant Obs & Gynae



Patient's History

Date: 13-3-23

Diagnosis : DM (2009) em, 2CM scv 24.1.2017

Past History : HTN/DM/Dyslipidemia/FH of CAD/Allergy/Smoking/Obesity : CKD BPH ALPRA OBP 0.18

Symptoms :

Intervention / Surgery :

Heart Rate : 87/m BP : 90/60 SPO₂ : 97 Weight: BMI :

Clinical Examination :

Previous Investigations :

Previous Medication :

Investigations Advised

SMC-I /SMC-II /SMC-III /SMC-IV
CBC

Blood Sugar F/PP

HBA_{1c} 10.8

Urea / Creatinine 34/1.16

NA⁺/K⁺ 13.5/3.2

Uric Acid

SGOT / SGPT

Lipid Profile

T3 T4 / TSH

Vit. B12

Vit. D3

PT/INR

X-Ray (Chest)

ECG

2D ECHO

TMT

Stress ECHO

DSE

PFT

Urine Routine

Urine C_s

Carotid Doppler

Rx ① Antol 1CR / pantopid 16 168
② Plavex 10 10
③ Simvastatin 40 42
④ Dapexin V 10/100 01
⑤ Glucophage 15 91
⑥ Ketosten 162
⑦ Cidney 200 15.10
⑧ Igmuf / Zinext 2 01
⑨ Esipram plus / Eteip plus 10
⑩ 9m Ryadex 20

Sign. of Physician



Patient's History

Date:

Present Complaints :

Heart Rate : BP : 130/80 SPO₂ : Weight: BMI :

Clinical Examination :

Investigations Advised	Rx ✓
SMC-I /SMC-II /SMC-III /SMC-IV	① 90 Rx 200mg 24 h
CBC Hb. 121	② Cilxambi 250mg od
Blood Sugar F/PP - 234	③ Redim 4 12 h
HBA _{1c} FBS. 114	④ Remylin 2 od
Urea / Creatinine 1.02	⑤ 200mg 24 h
NA ⁺ / K ⁺	⑥ Tdmilid 20
Uric Acid	⑦ Silodol 8 od
SGOT / SGPT	⑧ Ezospm 10 24 h ✓
Lipid Profile 188/137/35/125/20/15	⑨ Tonact 20 1 h ✓
T3 T4 / TSH 2.8	⑩ Cilmes 120mg 1/4 h ✓
Vit. B ₁₂	
Vit. D ₃ 79	
PT/INR	
X-Ray (Chest)	
ECG	
2D ECHO	
TMT	
Stress ECHO	
DSE	
PFT	
Urine Routine	
Urine C _s	
Carotid Doppler	

[Signature]
8/2/23
Sign. of Physician



54.

Patient's History

Date:

Present Complaints :

Heart Rate : BP : SPO₂ : Weight: BMI :

Clinical Examination :

Investigations Advised	Rx
SMC-I /SMC-II /SMC-III /SMC-IV	
CBC	
Blood Sugar F/PP	
HBA _{1c}	
Urea / Creatinine	
NA ⁺ / K ⁺	
Uric Acid	
SGOT / SGPT	
Lipid Profile	
T3 T4 / TSH	
Vit. B ₁₂	
Vit. D ₃	
PT/INR	
X-Ray (Chest)	
ECG	
2D ECHO	
TMT	
Stress ECHO	
DSE	
PFT	
Urine Routine	
Urine C _s	
Carotid Doppler	

Sign. of Physician



SMC HEART INSTITUTE AND IVF RESEARCH CENTRE

VIP Estate, Vidhan Sabha Road, Near Ashoka Ratan, Raipur-492007 (C.G.)

Mob. 8839800123, Ph. No. 0771-2285999

E-Mail: contact@smchospital.in Website: www.smchospital.in



DISCHARGE SUMMARY:-

NAME OF THE PATIENT :-	MR. MD AYUB KHAN		
AGE :-	73 YRS	SEX :-	MALE
ADDRESS :-	EX. M.L.A KANTABANGI, PDISHA		
REGN. NO. :-	SH20003790	IPD NO. :-	IP22002273
DATE OF ADMISSION :-	15/11/2022	DATE OF DISCHARGE :-	23/11/2022
ADMITTING CONSULTANT :-	DR. SATISH SURYAVANSHI / DR. S.S MOHANTY / DR. BHARAT AGRAWAL		

DIAGNOSIS:-	ICD CODE
Dilated Cardiomyopathy with Severe LV Dysfunction with LVEF 20-25%	I50.10.3
Acute Left Ventricular Failure	I50.1
Right Side Pneumonia	
Acute Kidney Injury with Sepsis with Septic Shock	N78.9

PROCEDURES / SURGERIES :-

- Medical Management

REASON FOR ADMISSION (MAIN COMPLAINTS) :-

- Breathlessness, Dyspnea on Exertion since 2 days & nausea, Vomiting Since 4-5 episode

HISTORY:-

Patient Mr. MD Ayub Khan, 73yrs, male is a known case of Obesity with Type-II Diabetes Mellitus with Hypertension (2001) with Dilated Cardiomyopathy with Severe LV Dysfunction with LVEF 20-25% with Benign Prostatic Hyperplasia with complaints of Breathlessness, Dyspnea on Exertion since 2 days & nausea, Vomiting Since 4-5 episode, was admitted on 15/11/2022 for further management.

CLINICAL EXAMINATION :-

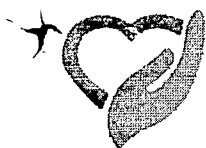
Conscious, Oriented, Afebrile, BP - 130/70, HR - 106/Min, SPO2 - 90% on O2 support, RBS - 330Mg/Dl, R/S - B/L Crpatus, P/A - Soft +, CVS - S1s2+, CNS - NAD Clinically.

TREATMENT GIVEN IN HOSPITAL :-

Inj. Pantocid, Inj. Zofer, Tab. Ivabid, Tab. aldactone, Tab. Metoz, Tab. Dapa, Tab. Gen-q-forte, Tab. lanoxin, Inj. Meropenum, Tab. Montak, Tab. Fluconazol, Inj. poly-b, Inj. Sodabicarb, inj. Azee, Tab. Forcan, tab. fibutaz, Tab Doxobid along with Nebulization, Oxygen & other supportive & Symptomatic medication.

IVESTIGATIONS:-

INVESTIGATIONS	15/11/2022		19/11/2022			
	Result	unit	Result	unit	Result	unit
BLOOD GROUP :-		-	-	-	-	-
HB:-	10.5	g/dl	11.3	g/dl		g/dl
RBC:-	3.74	mill/cumm	4.27	mill/cumm		mill/cumm
PLATELET COUNT	1.98	lacs/ cumm,	1.23	lacs/ cumm,		lacs/ cumm,
TOTAL WBC COUNT -	19600	cell/ cu.mm,	11400	cell/ cu.mm,		cell/ cu.mm,
LYMPHOCYTES :-	16	%		%		%
UREA :-	76.4	mg/dl,	179	mg/dl,	137.3	mg/dl,
CREATININE:-	2.05	mg/dl	2.40	mg/dl	1.30	mg/dl



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E-Mail: contact@smchospital.in Website: www.smchospital.in



URIC ACID	9.68		16.5		11.6	
SODIUM :-	109.4	mg/dl,	127.0	mg/dl,	129.0	mg/dl,
POTASSIUM:-	4.90	mg/dl	3.80	mg/dl	3.60	mg/dl
HINI	Negative					
RTPCR	Negative					

ECG-	Sinus Rhythm
2D ECHO-	Dilated Cardiomyopathy with Concentric LVH Severe LV Dysfunction with LVEF 20-25%
Chest X-ray	Right Side Consolidation

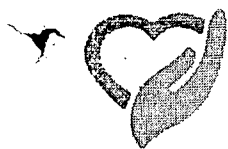
COURSE IN THE HOSPITAL AND DISCUSSION (including procedure /surgery performed):-

Patient Mr. MD Ayub Khan, 73yrs, male is a known case of Obesity with Type-II Diabetes Mellitus with Hypertension (2001) with Dilated Cardiomyopathy with Severe LV Dysfunction with LVEF 20-25% with Benign Prostatic Hyperplasia with complaints of Breathlessness, Dyspnea on Exertion since 2 days & nausea, Vomiting Since 4-5 episode, was admitted on 15/11/2022 for further management. On examination Conscious, Oriented, Afebrile, BP – 130/70, HR – 106/Min, SPO2 – 90% on O2 support, RBS – 330Mg/Dl, R/S – B/L Crpetus, P/A – Soft +, CVS – S1s2+, CNS – NAD Clinically. ECG- showed sinus rhythm, 2D ECHO – Dilated Cardiomyopathy with Concentric LVH Severe LV Dysfunction with LVEF 20-25%. Chest X-ray showed Right side consolidation, TLC-19000, Urea- 179, Creatinine 2.40, Sodium- 127.0, Potassium 3.80. Diagnosed as Acute Left Ventricular Failure with Right Side Pneumonia with Acute Kidney Injury with Sepsis with Septic Shock. Conservative treated with O2 Support & Inj. Pantocid, Inj. Zofer, Tab. Ivabid, Tab. aldactone, Tab. Metoz, Tab. Dupa, Tab. Gen-q-forte, Tab. lanoxin, Inj. Meropenum, Tab. Montak, Tab. Fluconazol, Inj. poly-b, Inj. Sodabicarb, inj. Azee, Tab. Forcan, tab. fibutaz, Tab Doxobid along with Nebulization, steam inhalation, Oxygen & other supportive & Symptomatic Medication. Expert Nephrologist & Pulmonologist opinion taken done advice followed-up. To continue as per planned medication & observation in SD- ICU. Patient improved symptomatically. Now patient is being discharge in a stable condition with following medical advice.

➤ CONDITION OF THE PATIENT AT THE DISCHARGE :-

Stable maintaining vitals

Conscious haemodynamic and respiratory parameter are stable



SMC HEART INSTITUTE AND IVF RESEARCH CENTRE

VIP Estate, Vidhan Sabha Road, Near Ashoka Ratan, Raipur-492007 (C.G)

Mob. 8839800123, Ph. No. 0771-2285999

E-Mail: contact@smchospital.in Website: www.smchospital.in



ADVICE / MEDICATION ON DISCHARGE:-

S.N.	FORMULATION	DOSE	ROUTE	FREQUENCY	TIMING	DURATION
1	TAB. ECOSPRIN-AV ✓	75/10MG	ORAL	HS	10PM	TO CONTINUE
2	TAB. IVABID ✓	7.5MG	ORAL	TWICE DAILY	9AM-9PM	TO CONTINUE
3	TAB. METOZ X -	5MG	ORAL	ONCE DAILY	9AM	TO CONTINUE
4	TAB. GEN-Q-FORTE ✓	1TAB	ORAL	ONCE DAILY	2PM	TO CONTINUE
5	TAB. DOXOBID ✓	400MG	ORAL	ONCE DAILY	9PM	TO CONTINUE
6	TAB. FEBUTAZ ✓	80MG	ORAL	ONCE DAILY	9AM	TO CONTINUE
7	TAB. PLANEP-T ✓	20MG	ORAL	ONCE DAILY	9AM	TO CONTINUE
8	TAB. AMARYL-M2 FORTE	1TAB	ORAL	TWICE DAILY	8AM-8PM	BEFORE BREAKFAST BEFORE DINNER TO CONTINUE
9	TAB. JARDIANCE	25MG	ORAL	ONCE DAILY	2PM	WITH LUNCH TO CONTINUE
10	TAB. ANTO-ITR	40MG	ORAL	ONCE DAILY	7AM	BEFORE BREAKFAST TO CONTINUE
11	TAB. MONTAK-LC	1TAB	ORAL	HS	10PM	FOR 5DAYS
12	TAB. CUDCE FORTE	1TAB	ORAL	TWICE DAILY	9AM-9PM	FOR 3DAYS
13	TAB. EMROK-O	1TAB	ORAL	ONCE DAILY	9AM	FOR 3DAYS
14	TAB. FEROKEM-ER	300MG	ORAL	TWICE DAILY	9AM-9PM	FOR 3DAYS
15	TAB. KETOSTROL	20MG	ORAL	TWICE DAILY	9AM-9PM	FOR 7 DAYS
16	TAB. FORCAN	200MG	ORAL	TWICE DAILY	9AM-9PM	FOR 7DAYS
17	SYN.LOOZ	15ML	ORAL	HS	10PM	FOR 3DAYS
18	INJ. LANTUS	12UNIT	S/C	HS	10PM	TO CONTINUE

➤ ADVICE ON DISCHARGE

- ✓ Medical Therapy.
- ✓ Water intake 800ml/day & Salt 2.5gm/day.
- ✓ Don't stop medicine without consultation or at least for one year.

DIET:-

- Diabetic diet & Low salt diet

➤ PHYSICAL ACTIVITY :-

- Moderate Physical Activity

FOLLOW UP:- AFTER FIFTEEN DAYS OR SOS

➤ URGENT CARE(WHEN):-

- Breathlessness

PREPARED BY:- DR. S. DUBEY

IN CASE OF EMERGENCY OR ANY OF FOLLOWING COMPLAINTS:-

- Chest pain Giddiness, Palpitation, Loss of Consciousness

PLEASE CONTACT SMC HOSPITAL EMERGENCY MO. NO +918839800123.

DR. S.S MOHANTY
DM (CARDIOLOGY) FACC, FESC.
DIRECTOR & SR. CONSULTANT
INTERVENTIONAL CARDIOLOGIST

DR. BHARAT AGRAWAL
CONSULTANT, DNB (CARDIOLOGY)
INTERVENTIONAL CARDIOLOGIST

DR. SATISH SURYAVANSHI
DM (CARDIOLOGY) FACC, FESC
DIRECTOR & SR. CONSULTANT
INTERVENTIONAL CARDIOLOGIST

DR. ABHISHEK KUMAR
CONSULTANT, DM. (CARDIOLOGY)
INTERVENTIONAL CARDIOLOGIST

Dr. Khan's Heart Care Clinic

Dr. Mohammad Wasi Khan

M.B.B.S, M.D, PGDCC (PGD CLINICAL CARDIOLOGY)

Dip. DIABETES MANAGEMENT

Consultant @ NHMMI Hospital, Raipur

MCI Reg. 26476

Mob. : 8897555597

58:



[Ex-Consultant @ USHA MULLAPUDI CARDIAC CENTRE, HYDERABAD]

B.P. : 114/74 mmHg Mr. Agus Khan

Date: 2/11/22

H.R. : 83 min.

Age/Sex: 73/m

R.B.S.: 455 mg/dl

Wt. : 102 kg.

Spo₂ : 98%

T : 95 °F

kl-1. DcmP

- EF = 15-20%

- recently treated for pneumonia

- DM & poor control

- DM | CHD

c/o DOE II II Mph

① Tms.

~~Dytar~~

① Tms. CEFIVIN - 150 mg or - 2hr

Ex

② Tms STOMAS - 80 mg or el.

③ Dytar 20 mg
or - 2hr

③ Tms LANOXIN - 0.25 mg - (1/2 tab) -
or 2hr

④ Tms. CANDIVAS - 3.125 mg BAC

⑤ Tms. CIDRAS - 50 mg or 2hr

⑥ Tms ISOLAZINE - (1/2 tab) - BAC

⑦ Tms SOMPRAX - 10 mg or

⑧ Tms MONITOR - LC - or - 2hr

Consultation Timings: 5 PM - 7 PM [Mon, Wed, Fri], Sunday Timing : 12 Noon - 02 PM

2nd Floor, Above Laxmi Medical Hall, Near AIIMS Hospital Gate No.-01, Tatibandh, Raipur (C.G.)

Medical Laboratory Report



Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male

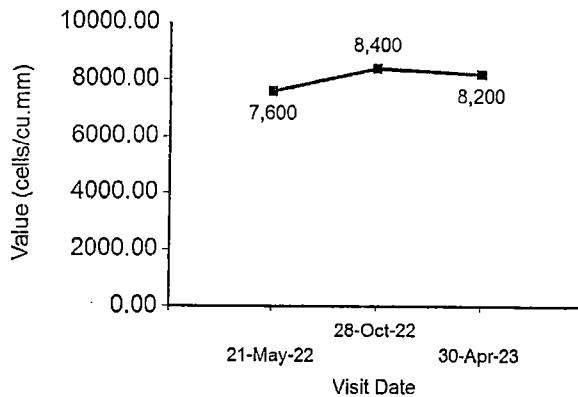


Reference: Dr. MOHAMMAD AMJAD KHAN
Sample Collected At: Raipur (Lab One)
Processing Location: -Lab One Metropolis Healthcare 1st Floor Hira Arcade, Pandri, Raipur, CG. 495001.

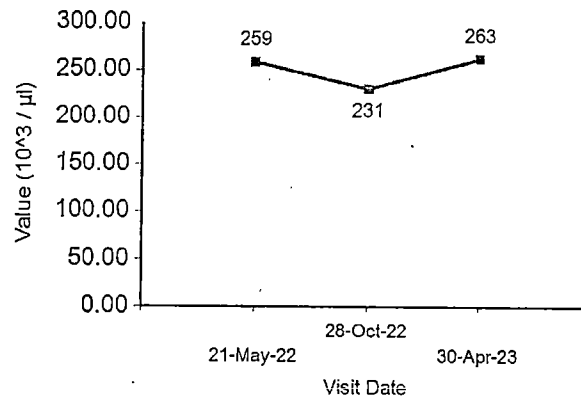
VID: 230061000095970
Registered On: 30/04/2023 09:51 AM
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Reported On: 30/04/2023 12:29 PM

Result Trend (For selected tests used for followup)

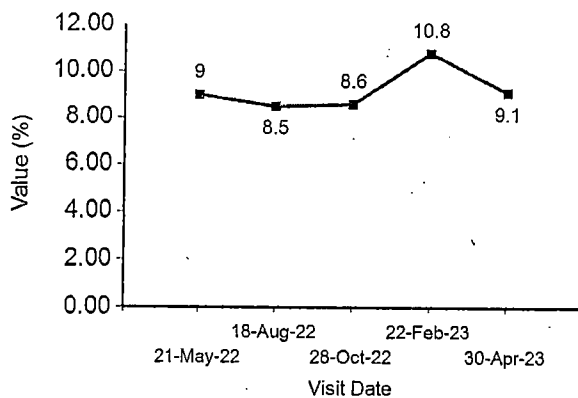
Total Leucocytes (WBC) count



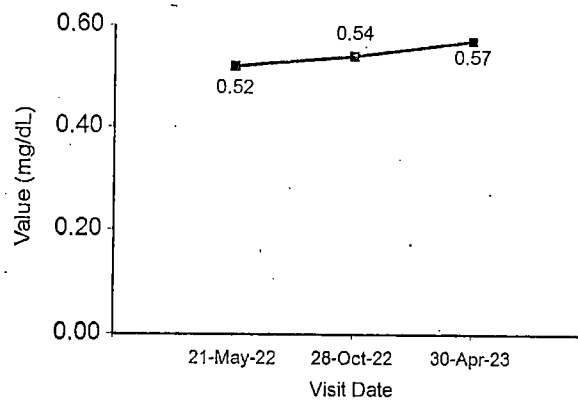
Platelet count



HbA1C- Glycated Haemoglobin



Bilirubin-Total



60

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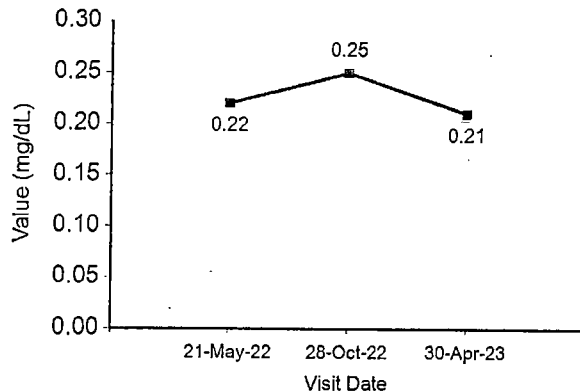
Sample Collected At:
Raipur (Lab One)

Processing Location:-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

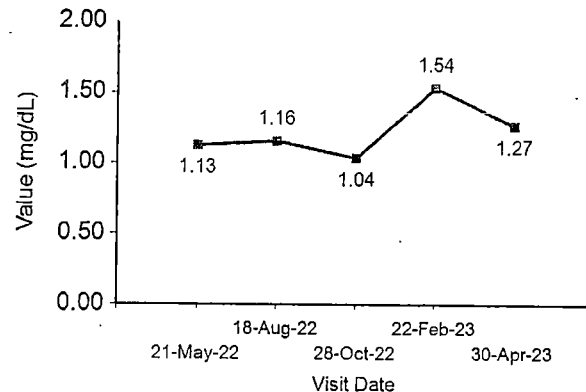
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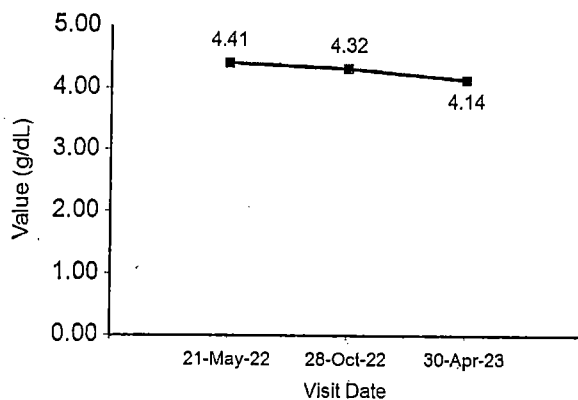
Bilirubin-Direct



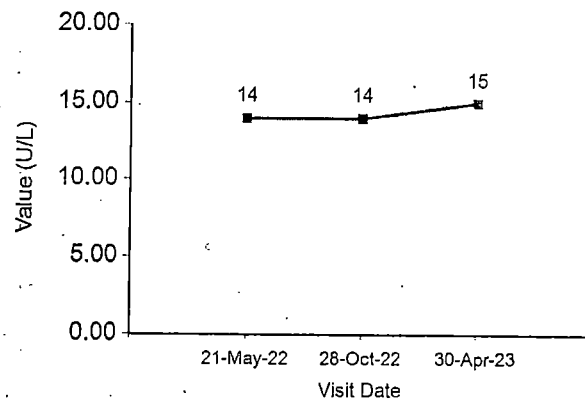
Creatinine



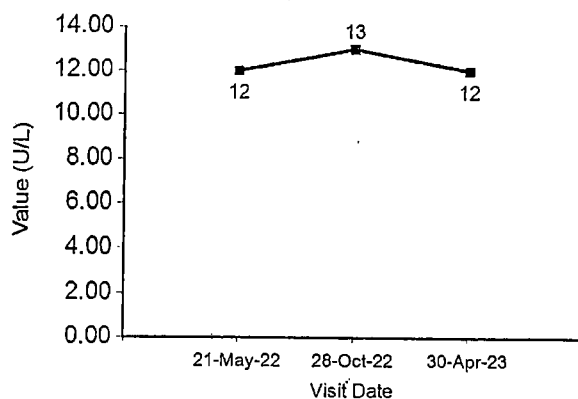
Albumin



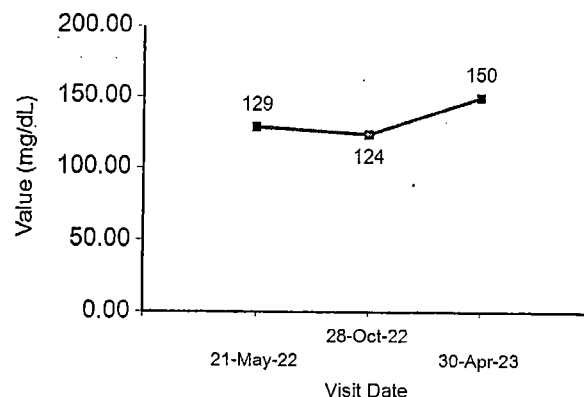
SGOT (AST)



SGPT (ALT)



Cholesterol-Total





62

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Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male



Medical Laboratory Report

Reference: Dr. MOHAMMAD AMJAD KHAN

Sample Collected At:
Raipur (Lab One)

Processing Location:-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

VID: 230061000095970

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30/04/2023 09:51 AM

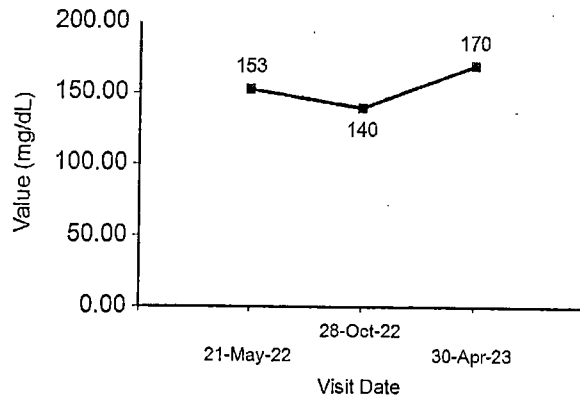
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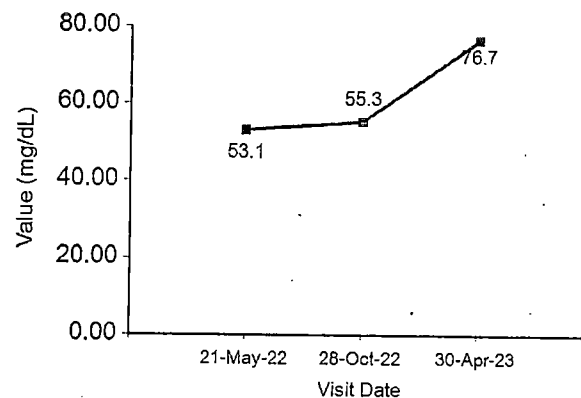
Reported On:

30/04/2023 12:29 PM

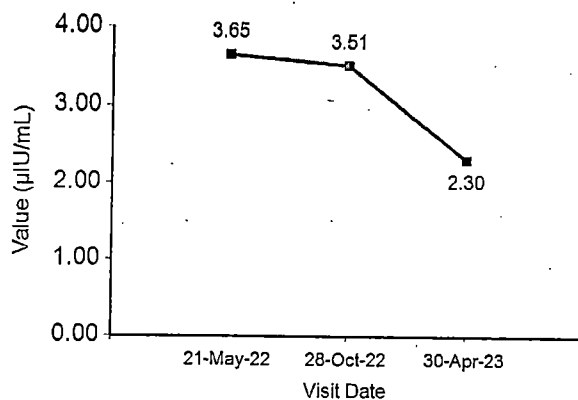
Triglycerides level



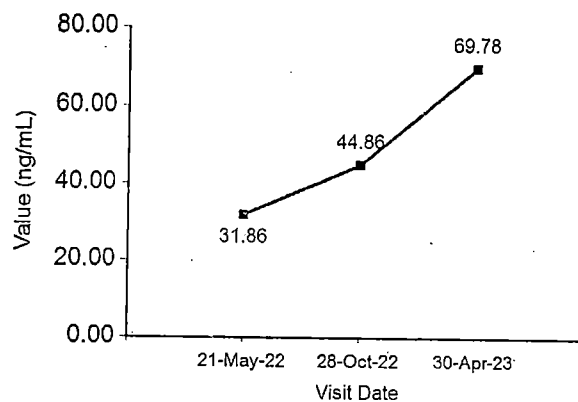
LDL Cholesterol



TSH



25 Hydroxy (OH) Vit D



64:

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CBC Haemogram

Investigation	Observed Value	Unit	Biological Reference Interval
Erythrocytes			
Haemoglobin (Hb)	12.5	gm/dL	13.5-18
Erythrocyte (RBC) Count	4.74	mill/cu.mm	4.7-6.0
PCV (Packed Cell Volume)	38.0	%	42-52
MCV (Mean Corpuscular Volume)	80.3	fL	78-100
MCH (Mean Corpuscular Hb)	24.9	pg	27-31
MCHC (Mean Corpuscular Hb Concn.)	31.0	g/dL	32-36
RDW (Red Cell Distribution Width)	18.6	%	11.5-14.0
Leucocytes			
Total Leucocytes (WBC) count	8,200	cells/cu.mm	4000-10500
Absolute Neutrophils Count	4920	/c.mm	2000-7000
Absolute Lymphocyte Count	2296	/c.mm	1000-3000
Absolute Monocyte Count	738	/c.mm	200-1000
Absolute Eosinophil Count	246	/c.mm	20-500
Absolute Basophil Count	0	/c.mm	20-100
Neutrophils	60	%	40-80
Lymphocytes	28	%	20-40
Monocytes	9	%	2.0-10
Eosinophils	3	%	1-6
Basophils	0	%	0-2
Platelets			
Platelet count	263	$10^3 / \mu l$	150-450
MPV (Mean Platelet Volume)	8.8	fL	6-9.5
PCT (Platelet Haematocrit)	0.231	%	0.2-0.5
PDW (Platelet Distribution Width)	16.5	%	9-17

EDTA Whole Blood - Tests done on Automated Five Part Cell Counter. (WBC, RBC Platelet count by impedance method, WBC differential by VCS technology other parameters calculated) All Abnormal Haemograms are reviewed confirmed microscopically. Differential count is based on approximately 10,000 cells.

Firoz Sheikh

Dr. Firoz Shabbir Sheikh
M.D (Pathology)

INNER HEALTH REVEALED

This is computer generated medical diagnostics report that has been validated by an Authorized Medical Practitioner/Doctor. The report does not need physical signature. Results relate only to the sample as received. Refer to conditions of reporting overleaf. **Referred Test

LAB ONE

METROPOLIS
The Pathology Specialist

66

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Investigation	Observed Value	Unit	Biological Reference Interval
Glucose fasting (Plasma-F, Hexokinase)	157	mg/dL	Normal: 70-99 Impaired Tolerance: 100-125 Diabetes mellitus: ≥ 126 (on more than one occasion) (American diabetes association guidelines 2018)
<u>Liver Function Test (LFT)</u>			
SGOT (AST) (Serum, Enzymatic)	15	U/L	0-40
SGPT (ALT) (Serum, Enzymatic)	12	U/L	0-41
Alkaline Phosphatase (Serum, pNPP)	109	U/L	40-129
Gamma GT (GGT) (Serum, Enzymatic)	14	U/L	12-64
<u>Bilirubin Total, Direct, Indirect Serum</u>			
Bilirubin-Total (Serum, Diazo)	0.57	mg/dL	Male: 0 - 1 Days : 0.0 - 5.1 Male: 1 - 2 Days : 0.0 - 7.2 Male: 3 - 5 Days : 0.0 - 10.3 Both: 8 - 9 Days : ≤ 6.5 Both: 10 - 11 Days : ≤ 4.6 Both: 15 - 30 Days : 0.2 - 0.8 Both: 1 - 12 Months : 0.2 - 0.8 Both: 6 - 7 Days : ≤ 8.4 Both: 1 - 9 Years : 0.2 - 0.8 Both: 10 - 19 Years : 0.2 - 1.1 Both: ≥ 20 Years : 0.2-1.2
Bilirubin-Direct (Serum, Diazo)	0.21	mg/dL	0-0.3 0.1-0.4
Bilirubin- Indirect (Serum, Calculated)	0.36	mg/dL	0.2-1.2
<u>Proteins</u>			
Albumin (Serum, Bromocresol green)	4.14		3.2-4.6
Total Protein (Serum, Biuret)	7.6	g/dL	6.6-8.7
Albumin (Serum, Bromocresol green)	4.14	g/dL	3.5-5.29
Globulin (Serum, Calculated)	3.46	g/dL	2.6-4.6
A/G Ratio (Serum, Calculated)	1.2		0.8-2.0
<u>Renal Function Test (RFT)</u>			
<u>Electrolytes</u> (Serum, ISE)			

Firoz Shabbir

Dr. FIROZ SHABBIR SHEIKH
M.D (Pathology)



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Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male



Reference: Dr. MOHAMMAD AMJAD
KHAN

Sample Collected At:
Raipur (Lab One)

Processing Location:-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

Medical Laboratory Report

VID: 230061000095970

Registered On:
30/04/2023 09:51 AM
Collected On:
30/04/2023 9:54 AM
Reported On:
30/04/2023 12:29 PM

Sodium	136.0	mmol/L	136-145
Potassium	4.00	mmol/L	3.5-5.5
Chlorides	102	mmol/L	98-107
BUN-Blood Urea Nitrogen (Serum,Urease)	<u>23.2</u>	mg/dL	7-18.7

Remark: In blood, Urea is usually reported as BUN and expressed in mg/dl. BUN mass units can be converted to urea mass units by multiplying by 2.14.

Creatinine (Serum,Jaffe)	<u>1.27</u>	mg/dL	0.72-1.25
Uric Acid (Serum,Uricase)	<u>7.8</u>	mg/dL	3.5-7.2
Proteins			
Albumin (Serum,Bromocresol green)	4.14		3.2-4.6
Total Protein (Serum,Biuret)	7.6	g/dL	6.6-8.7
Albumin (Serum,Bromocresol green)	4.14	g/dL	3.5-5.29
Globulin (Serum,Calculated)	3.46	g/dL	2.6-4.6
A/G Ratio (Serum,Calculated)	1.2		0.8-2.0
Calcium (Serum,BAPTA)	9.09	mg/dL	8.8-10
Phosphorous (Serum,Phosphomolybdate)	3.50	mg/dL	Adult : 2.5-4.5
Lipid Profile-2			
Cholesterol-Total (Serum,Enzymatic)	150	mg/dL	Desirable: < 200 Borderline High: 200-239 High: >= 240
Triglycerides level (Serum,Enzymatic)	<u>170</u>	mg/dL	Normal: < 150 Borderline High: 150-199 High: 200-499 Very High: >= 500
HDL Cholesterol (Serum,Enzymatic)	<u>39.3</u>	mg/dL	Major risk factor for heart disease: < 40 Negative risk factor for heart disease: >= 60
Non HDL Cholesterol (Serum,Enzymatic)	110.70	mg/dL	Optimal: < 130 Desirable: 130-159 Borderline high: 159-189 High: 189-220 Very High: >= 220
LDL Cholesterol	76.7	mg/dL	Optimal: < 100

Firoz Shabbir

Dr. FIROZ SHABBIR SHEIKH
M.D (Pathology)

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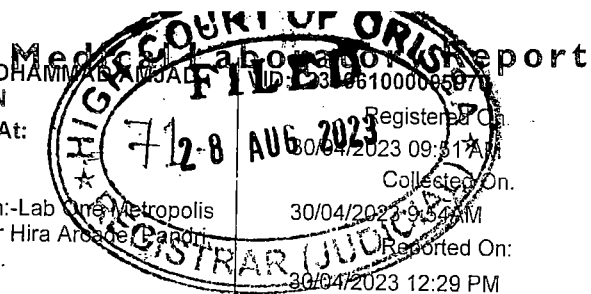
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Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male



Reference: Dr. MOHAMMAD ABU
KHAN

Sample Collected At:
Raipur (Lab One)

Processing Location:-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Raipur,
Raipur, CG. 495001.



(Serum, Enzymatic)

Near Optimal: 100-129
Borderline high: 130-159
High: 160-189
Very High: ≥ 190
6-38

VLDL Cholesterol

(Serum, Enzymatic)

34

mg/dL

LDL/HDL RATIO

(Serum, Calculated)

1.95

2.5-3.5

CHOL/HDL RATIO

(Serum, Calculated)

3.82

3.5-5

Note: Reference Interval as per National Cholesterol Education Program (NCEP) Adult Treatment Panel III Report.

VLDL, CHOL/HDL RATIO, LDL/HDL RATIO, LDL Cholesterol, serum, Non HDL Cholesterol are calculated parameters

Firoz Sheikh

Dr. FIROZ SHABBIR SHEIKH
M.D (Pathology)

Page 7 of 13

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METROPOLIS
The Pathology Specialist

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Medical Laboratory Report



Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male



Reference: Dr. MOHAMMAD AMJAD KHAN

VID: 230061000095970

Sample Collected At:
Raipur (Lab One)

73

Processing Location: -Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

Registered On:
30/04/2023 09:51 AM
Collected On:
30/04/2023 9:54 AM
Reported On:
30/04/2023 12:29 PM

Investigation

25 Hydroxy (OH) Vit D
(Serum, ECLIA)

Observed Value

69.78

Unit

ng/mL

Biological Reference Interval

Deficiency: < 20
Insufficiency: 20-29
Sufficiency: 30-100
Potential toxicity: > 100

Interpretation :

1. Vitamin D is a fat soluble vitamin and exists in two main forms as cholecalciferol(vitamin D3) which is synthesized in skin from 7-dehydrocholesterol in response to sunlight exposure & Ergocalciferol(vitamin D2) present mainly in dietary sources. Both cholecalciferol & Ergocalciferol are converted to 25(OH)vitamin D in liver.
2. Testing for 25(OH)vitamin D is recommended as it is the best indicator of vitamin D nutritional status as obtained from sunlight exposure & dietary intake. For diagnosis of vitamin D deficiency it is recommended to have clinical correlation with serum 25(OH)vitamin D, serum calcium, serum PTH & serum alkaline phosphatase.
3. During monitoring of oral vitamin D therapy- suggested testing of serum 25(OH)vitamin D is after 12 weeks or 3 mths of treatment. However, the required dosage of vitamin D supplements & time to achieve sufficient vitamin D levels show significant seasonal(especially winter) & individual variability depending on age, body fat, sun exposure, physical activity, genetic factors(especially variable vitamin D receptor responses), associated liver or renal disease, malabsorption syndromes and calcium or magnesium deficiency influencing the vitamin D metabolism Vitamin D toxicity is known but very rare. kindly correlate clinically, repeat with fresh sample if indicated.

Associated Test Profile : As a holistic & scientific approach for diagnosis and optimal treatment for vitamin D deficiency, Vitamin D plus profile is suggested.

Firoz Sheikh

Dr. FIROZ SHABBIR SHEIKH
M.D (Pathology)

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METROPOLIS

The Pathology Specialist

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PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male



Reference: Dr. MOHAMMAD AMJAD
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Processing Location:-Lab One Metropolis
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Medical Laboratory Report

VID: 230061000095970

Registered On:

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Collected On:

30/04/2023 9:54 AM

Reported On:

30/04/2023 12:29 PM

Investigation

TruHealth Master

ESR - Erythrocyte Sedimentation
Rate
(Citrate Blood)

Observed Value

20

Unit

mm/hr

Biological Reference Interval

0-15

Method: Manual Westergren

Interpretation:

1. It indicates presence and intensity of an inflammatory process, never diagnostic of a specific disease. Changes are more significant than a single abnormal test.
2. It is a prognostic test and used to monitor the course or response to treatment of diseases like tuberculosis, bacterial endocarditis, acute rheumatic fever, rheumatoid arthritis, SLE, Hodgkins disease, temporal arteritis, polymyalgia rheumatica.
3. It is also increased in pregnancy, multiple myeloma, menstruation, and hypothyroidism.

Firoz Shabbir

Dr. FIROZ SHABBIR SHEIKH
M.D (Pathology)

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230061000102440

Mr. MD AYUB KHAN

RAIPUR, RAIPUR

Tel No : 9437329786

PIN No: 492002

PID NO: P612000008840

Age: 74.1 Year(s) Sex: Male



Reference: Dr. MOHAMMAD AYUB KHAN

Sample Collected At:
Raipur (Lab One)Processing Location:-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

Medical Laboratory Report

PID: 230061000102440

Registered On:

24/05/2023 08:30 AM

Collected On:

24/05/2023 8:32AM

Reported On:

24/05/2023 10:56 AM

SUMMARY REPORT

Investigation Outside Reference Range (Abnormal)

Investigation	Observed Value	Unit	Biological Reference Interval
HbA1C- Glycated Haemoglobin, blood by HPLC method (EDTA Whole Blood,HPLC)			
HbA1C- Glycated Haemoglobin	9.4	%	Non-diabetic: <= 5.6 Pre-diabetic: 5.7-6.4 Diabetic: >= 6.5
Glucose fasting (Plasma-F,Hexokinase)	284	mg/dL	Normal: 70-99 Impaired Tolerance: 100-125 Diabetes mellitus: >= 126 (on more than one occasion) (American diabetes association guidelines 2018)

Investigation Within Reference Range (Normal)

Urea, Serum

Calcium

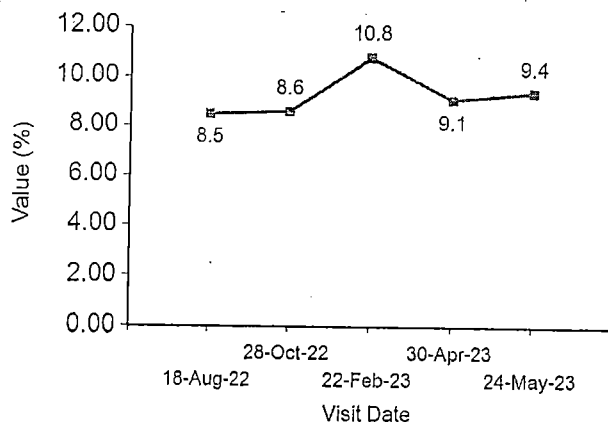
Creatinine

Potassium

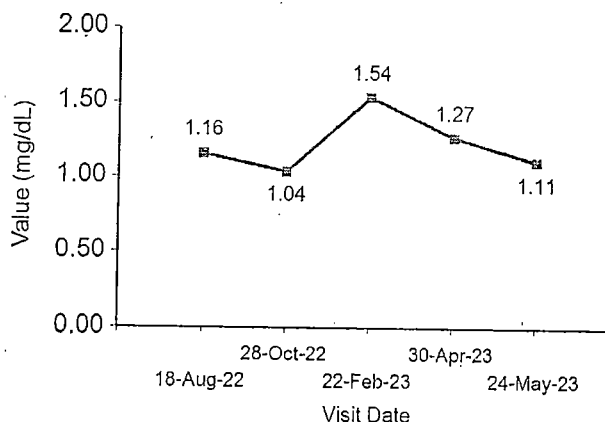
Sodium

Result Trend (For selected tests used for followup)

HbA1C- Glycated Haemoglobin



Creatinine



78

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24/05/2023 10:56 AM

Investigation

Urea, Serum

BUN-Blood Urea Nitrogen
(Serum,Urease)

Observed Value

15.8

Unit

mg/dL

Biological Reference Interval

7-18.7

Remark: In blood, Urea is usually reported as BUN and expressed in mg/dl. BUN mass units can be converted to urea mass units by multiplying by 2.14.

Urea Serum
(Serum)

33.81

mg/dL

18-55

Glucose fasting
(Plasma-F,Hexokinase)

284

mg/dL

Normal: 70-99
Impaired Tolerance: 100-125
Diabetes mellitus: ≥ 126
(on more than one occasion)
(American diabetes association
guidelines 2018)

Creatinine
(Serum,Jaffe)

1.11

mg/dL

0.72-1.25

Calcium
(Serum,BAPTA)

9.5

mg/dL

8.8-10

Sodium
(Serum,ISE)

139.0

mmol/L

136-145

Potassium
(Serum,ISE)

4.50

mmol/L

3.5-5.5

Dr. KARTAVYA KUMAR VERMA
MD (PATHOLOGY)

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Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.1 Year(s) Sex: Male



Medical Laboratory Report

Reference: Dr. MOHAMMAD AMJAD KHAN

VID: 230061000102440

Sample Collected At:
Raipur (Lab One)

81

Processing Location.-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

Registered On:
24/05/2023 08:30 AM
Collected On:
24/05/2023 8:32AM
Reported On:
24/05/2023 10:56 AM

HbA1C- Glycated Haemoglobin, blood by HPLC method

(EDTA Whole Blood)

Investigation	Observed Value	Unit	Biological Reference Interval
HbA1C- Glycated Haemoglobin (HPLC)	9.4	%	Non-diabetic: ≤ 5.6 Pre-diabetic: 5.7-6.4 Diabetic: ≥ 6.5
Estimated Average Glucose (eAG) (Calculated)	223.08	mg/dL	

Interpretation & Remark:

- HbA1c is used for monitoring diabetic control. It reflects the estimated average glucose (eAG).
- HbA1c has been endorsed by clinical groups & ADA (American Diabetes Association) guidelines 2017, for diagnosis of diabetes using a cut-off point of 6.5%.
- Trends in HbA1c are a better indicator of diabetic control than a solitary test.
- Low glycated haemoglobin (below 4%) in a non-diabetic individual are often associated with systemic inflammatory diseases, chronic anaemia (especially severe iron deficiency & haemolytic), chronic renal failure and liver diseases. Clinical correlation suggested.
- To estimate the eAG from the HbA1C value, the following equation is used: $eAG(mg/dl) = 28.7 \times A1c - 46.7$
- Interference of Haemoglobinopathies in HbA1c estimation.
 - For HbF $> 25\%$, an alternate platform (Fructosamine) is recommended for testing of HbA1c.
 - Homozygous hemoglobinopathy is detected, fructosamine is recommended for monitoring diabetic status
 - Heterozygous state detected (D10/ turbo is corrected for HbS and HbC trait).
- In known diabetic patients, following values can be considered as a tool for monitoring the glycemic control. Excellent Control - 6 to 7 %, Fair to Good Control - 7 to 8 %, Unsatisfactory Control - 8 to 10 % and Poor Control - More than 10 %.

Note : Hemoglobin electrophoresis (HPLC method) is recommended for detecting hemoglobinopathy.

Page 3 of 5 Dr. Kartavya Kumar Verma
MD (PATHOLOGY)

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The Pathology Specialist

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230061000102440

Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.1 Year(s) Sex: Male

Medical Laboratory Report

Reference: Dr. MOHAMMAD AMJAD
KHAN

VID: 230061000102440

Sample Collected At:
Raipur (Lab One)

83

Processing Location:-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

Registered On:
24/05/2023 08:30 AM
Collected On:
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Reported On:
24/05/2023 10:56 AM

ROUTINE EXAMINATION URINE

Investigation	Observed Value	Unit	Biological Reference Interval
General Examination			
Volume	30	ml	
Colour	Pale Yellow		Pale Yellow
Transparency (Appearance)	Clear		Clear
Deposit	Absent		Absent
Reaction (pH)	5.5		4.5-8
Specific gravity	1.015		1.010-1.030
Chemical Examination			
Urine Protein (Albumin)	Absent		Absent
Urine Ketones (Acetone)	Absent		Absent
Urine Glucose (sugar)	Present 1+		Absent
Bile pigments	Absent		Absent
Bile salts	Absent		Absent
Urobilinogen	Normal		Normal
Nitrite	Negative		Negative
Microscopic Examination			
Red blood cells	Absent	/hpf	Absent
Pus cells (WBCs)	1-2	/hpf	0-5
Epithelial cells	1-2	/hpf	0-4
Crystals	Absent		Absent
Cast	Absent		Absent
Amorphous deposits	Absent		Absent
Bacteria	Absent		Absent
Trichomonas Vaginalis	Absent		Absent
Yeast cells	Absent		Absent

Note : 1. Chemical examination through Dipstick includes test methods as Protein (Protein Error Principle), Glucose (Glucose oxidase-Peroxidase), Ketone (Legals Test), Bilirubin (Azo- Diazo reaction), Urobilinogen (Diazonium ion Reaction) Nitrite (Griess Method). All abnormal results of chemical examination are confirmed by manual methods. 2. Pre-test conditions to be observed while submitting the sample- First void, mid-stream urine, collected in a clean, dry, sterile container is recommended for routine urine analysis, avoid contamination with any discharge from vaginal, urethra, perineum, as applicable, avoid prolonged transit time & undue exposure to sunlight. 3. During interpretation, points to be considered are Negative nitrite test does not exclude the urinary

Dr. Kartavya Kumar Verma
MD (PATHOLOGY)

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Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.1 Year(s) Sex: Male

Reference: Dr. MD AYUB KHAN Sample Collected At: Raipur (Lab One) Processing Location:-Lab One Metropolis Healthcare 1st Floor Hira Arcade, Pandri, Raipur, CG. 495001.	Medical Laboratory Report VID: 230061000102440 Registered On: 24/05/2023 08:30 AM Collected On: 24/05/2023 8:32AM Reported On: 24/05/2023 10:56 AM
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tract infections, Trace proteinuria can be seen with many physiological conditions like prolonged recumbency, exercise, high protein diet. False positive reactions for bile pigments, proteins, glucose and nitrites can be caused by peroxidase like activity by disinfectants, therapeutic dyes, ascorbic acid and certain drugs.4.All urine samples are checked for adequacy and suitability before examination.

-- End of Report --

Dr. Kartavya Kumar Verma
MD (PATHOLOGY)



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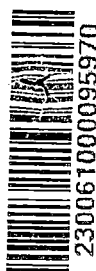
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Medical Laboratory Report



Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male



Reference: Dr. MOHAMMAD AMJAD
KHAN

Sample Collected At:
Raipur (Lab One)

87

Processing Location:-Lab One Metropolis
Healthcare 1st Floor Hira Arcade, Pandri,
Raipur, CG. 495001.

VID: 230061000095970

Registered On:

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HbA1C- Glycated Haemoglobin, blood by HPLC method

(EDTA Whole Blood)

Investigation	Observed Value	Unit	Biological Reference Interval
HbA1C- Glycated Haemoglobin (HPLC)	9.1	%	Non-diabetic: ≤ 5.6 Pre-diabetic: 5.7-6.4 Diabetic: ≥ 6.5
Estimated Average Glucose (eAG) (Calculated)	214.47	mg/dL	

Interpretation & Remark:

- HbA1c is used for monitoring diabetic control. It reflects the estimated average glucose (eAG).
- HbA1c has been endorsed by clinical groups & ADA (American Diabetes Association) guidelines 2017, for diagnosis of diabetes using a cut-off point of 6.5%.
- Trends in HbA1c are a better indicator of diabetic control than a solitary test.
- Low glycated haemoglobin (below 4%) in a non-diabetic individual are often associated with systemic inflammatory diseases, chronic anaemia (especially severe iron deficiency & haemolytic), chronic renal failure and liver diseases. Clinical correlation suggested.
- To estimate the eAG from the HbA1C value, the following equation is used: $eAG(mg/dl) = 28.7 \times A1c - 46.7$
- Interference of Haemoglobinopathies in HbA1c estimation.
 - For HbF > 25%, an alternate platform (Fructosamine) is recommended for testing of HbA1c.
 - Homozygous hemoglobinopathy is detected, fructosamine is recommended for monitoring diabetic status
 - Heterozygous state detected (D10/ turbo is corrected for HbS and HbC trait).
- In known diabetic patients, following values can be considered as a tool for monitoring the glycemic control. Excellent Control - 6 to 7 %, Fair to Good Control - 7 to 8 %, Unsatisfactory Control - 8 to 10 % and Poor Control - More than 10 %.

Note : Hemoglobin electrophoresis (HPLC method) is recommended for detecting hemoglobinopathy.

Firoz Sheikh

Page 10 of 13

Dr. Firoz Shabbir Sheikh
M.D (Pathology)

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METROPOLIS
The Pathology Specialist

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Medical Laboratory Report



Mr. MD AYUB KHAN
RAIPUR, RAIPUR
Tel No : 9437329786
PIN No: 492002
PID NO: P612000008840
Age: 74.9 Year(s) Sex: Male



Reference: Dr. MOHAMMAD AMJAD KHAN

Sample Collected At: Raipur (Lab One) 89..

Processing Location: -Lab One Metropolis Healthcare 1st Floor Hira Arcade, Pandri, Raipur, CG. 495001.

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Reported On:

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Investigation

TruHealth Master

(Serum, ECLIA)

Thyroid panel - 2 (FT3, FT4, TSH)

Investigation	Observed Value	Unit	Biological Reference Interval
Free T3	3.73	pMol/L	3.1-6.8
Free T4	1.20	ng/dL	0.93-1.70
TSH	2.30	μIU/mL	0.35-5.5

INTERPRETATION

TSH	T3 / FT3	T4 / FT4	Suggested Interpretation for the Thyroid Function Tests Pattern
Within Range	Decreased	Within Range	• Isolated Low T3 - often seen in elderly & associated Non-Thyroidal illness. In elderly the drop in T3 level can be upto 25%.
Raised	Within Range	Within Range	• Isolated High TSH especially in the range of 4.7 to 15 mIU/ml is commonly associated with Physiological & Biological TSH Variability. • Subclinical Autoimmune Hypothyroidism • Intermittent T4 therapy for hypothyroidism • Recovery phase after Non-Thyroidal illness"
Raised	Decreased	Decreased	• Chronic Autoimmune Thyroiditis • Post thyroidectomy, Post radioiodine • Hypothyroid phase of transient thyroiditis"
Raised or within Range	Raised	Raised or within Range	• Interfering antibodies to thyroid hormones (anti-TPO antibodies) • Intermittent T4 therapy or T4 overdose • Drug interference - Amiodarone, Heparin, Beta blockers, steroids, anti-epileptics"
Decreased	Raised or within Range	Raised or within Range	• Isolated Low TSH - especially in the range of 0.1 to 0.4 often seen in elderly & associated with Non-Thyroidal illness • Subclinical Hyperthyroidism • Thyroxine ingestion"
Decreased	Decreased	Decreased	• Central Hypothyroidism • Non-Thyroidal illness • Recent treatment for Hyperthyroidism (TSH remains suppressed)"
Decreased	Raised	Raised	• Primary Hyperthyroidism (Graves' disease), Multinodular goitre, Toxic nodule • Transient thyroiditis: Postpartum, Silent (lymphocytic), Postviral (granulomatous, subacute, DeQuervain's), Gestational thyrotoxicosis with hyperemesis gravidarum"
Decreased or within Range	Raised	Within Range	• T3 toxicosis • Non-Thyroidal illness

References: 1. Interpretation of thyroid function tests. Dayan et al. THE LANCET • Vol 357 • February 24, 2001
2. Laboratory Evaluation of Thyroid Function, Indian Thyroid Guidelines, JAPI, January 2011, vol. 59

Firoz Sheikh

Dr. Firoz Shabbir Sheikh
M.D (Pathology)

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Medical Laboratory Report



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Age: 74.9 Year(s) Sex: Male

Reference: Dr. MOHAMMAD AMJAD
KHAN

Sample Collected At:
Raipur (Lab One)

Processing Location:-Lab One Metropolis
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Registered On:

30/04/2023 09:51 AM

Collected On:

30/04/2023 9:54 AM

Reported On:

30/04/2023 12:29 PM

ROUTINE EXAMINATION URINE

Investigation	Observed Value	Unit	Biological Reference Interval
TruHealth Master			
General Examination			
Volume	25	ml	
Colour	Pale Yellow		Pale Yellow
Transparency (Appearance)	Clear		Clear
Deposit	Absent		Absent
Reaction (pH)	5.5		4.5-8
Specific gravity	1.025		1.010-1.030
Chemical Examination			
Urine Protein (Albumin)	Absent		Absent
Urine Ketones (Acetone)	Absent		Absent
Urine Glucose (sugar)	Present 2+		Absent
Bile pigments	Absent		Absent
Bile salts	Absent		Absent
Urobilinogen	Normal		Normal
Nitrite	Negative		Negative
Microscopic Examination			
Red blood cells	Absent	/hpf	Absent
Pus cells (WBCs)	1-3	/hpf	0-5
Epithelial cells	1-2	/hpf	0-4
Crystals	Absent		Absent
Cast	Absent		Absent
Amorphous deposits	Absent		Absent
Bacteria	Absent		Absent
Trichomonas Vaginalis	Absent		Absent
Yeast cells	Absent		Absent
Remark			

Note : 1. Chemical examination through Dipstick includes test methods as Protein (Protein Error Principle), Glucose (Glucose oxidase-Peroxidase), Ketone (Legals Test), Bilirubin (Azo- Diazo reaction), Urobilinogen (Diazonium ion Reaction) Nitrite (Griess

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M.D (Pathology)

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Rewam
(adv) Attested

IN THE HIGH COURT OF ORISSA, CUTTACK.

(ORIGINAL JURISDICTION CASE)

W. P. © NO. 4667 OF 2010



Code No. 280400

In the matter of :

An application under Articles 226 and 227 of the
Constitution of India.

Presented in Court
B.O.

And

In the matter of :

Collector, Balangir.

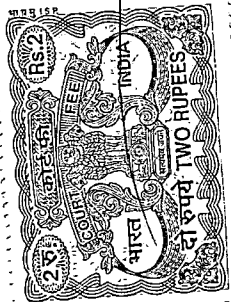
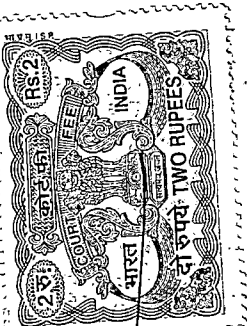
Petitioner.

- Versus -

1. Hazi Md. Ayub Khan, aged about 57 years,
son of Abdul Gafar Khan,
resident of Sivaji Nagar, Kantabanji, Dist. Bolangir.
2. Dr. Md. Ayaz Khan, aged about 36 years,
son of Hazi Md. Ayub Khan,
resident of Sivaji Nagar, Kantabanji,
Dist. Bolangir.
3. Dr. Asma Frheen Khan, aged about 26 years,
wife of Dr. Md. Ayaz Khan,
resident of Sivajinagar, Kantabanji,
Dist. Bolangir.

(Plaintiffs in the Court below)

4. D. Y. Patil Educational Society,
2126, E. Tarabai Park, Kolhapur,
Maharashtra-416003, represented by its
President, Sanjoy D. Patil.



Dr. M. L. Patil
A.K.A.



5. Sanjoy D. Patil,

President, D.Y.Patil Education Society,

2126 E.Tarabai Park, Kolhapur, Maharashtra-416003.

6. Padmashree Dr. D. Y. Patil,

Founder, D.Y.Patil Educational Society,

2126 E.Tarabai Park, Kolhapur, Maharashtra-416003.

(Nos. 4 to 6 were Defendants 1 to 3 in the court below)

.....
Opposite parties.





AFR

IN THE HIGH COURT OF ORISSA CUTTACK

W.P.(C) No.4667 of 2010

In the matter of an application under Articles 226 & 227 of the Constitution of India.

Collector, Balangir

....

Petitioner

Versus

Hazi Md. Ayub Khan & Ors.

....

Opposite Parties

For Petitioner

...

**Mr.S.P.Panda, Additional
Government Advocate**

For Opposite Parties

...

None

JUDGMENT

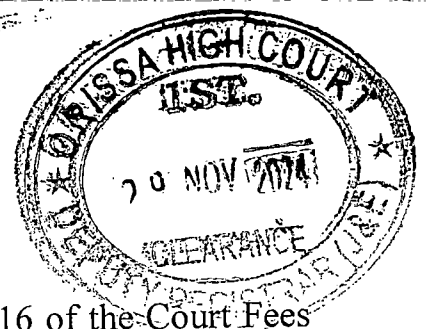
PRESENT:

THE HONOURABLE JUSTICE BISWANATH RATH

Date of Hearing and Judgment: 14.12.2022

Biswanath Rath, J. Even after service of notice and appearance of set of counsel for contesting Opposite Party No.1 appearing for the Plaintiff in the Civil Suit No.67 of 2006, nobody is appearing to contest the matter.

2. The Writ Petition involves a challenge to the order of the Civil Judge (Senior Division), Titilagarh in C.S. No.67 of 2006 in allowing the application of the Plaintiff vide Annexure-4 requesting the trial court for disposing of the suit and passing the order for refund of the Court Fee. On a



combined reading of Section 89 of C.P.C. and Section 16 of the Court Fees Act, taking this Court to the nature of disposal of the suit involving a settlement outside the Court, Mr. Panda, learned Additional Government Advocate contended that the impugned order does not meet the contingency of Section 16 of the Court Fees Act. Particularly for there is no involvement of action in exercise of power under Section 89 of the C.P.C.

3. It is in the above circumstance, Mr. Panda, learned Additional Government Advocate requests this Court for interfering in the impugned order and setting aside the same. Considering the contention raised herein by the learned State counsel through the impugned order vide Annexure-5, this Court finds decision therein involved the application of the Plaintiff at Annexure-4, fact and relief sought for therein appears to be as follows:-

"1) That, out of court plaintiff and defendants have compounded the matter amongst themselves and the plaintiffs have received the agreed amount in full and financial of the claim amount.

Hence prayed that the Hon'ble court be pleased to dispose of the suit and passed order for refund of court on a combined pleading of Section 89 of C.P.C. and Sec. 16 of the Court fees act."

It is in consideration of the above application, getting into the pleadings and the requests, this Court finds, there remains no doubt that the Plaintiff and the Defendant have compounded the matter amongst themselves without aid of the Court and however there involves a request to the trial court for passing an order for refund of the Court Fee in terms of Section 89 of C.P.C. and Section 16 of the Court Fee Act. Considering application of the provision at Section 89 of C.P.C. and Section 16 of the Court Fee Act by the Plaintiff and the Trial Court also, the Plaintiff in filing the application and the trial court in passing the impugned order, this Court here likes to take reference to the provision referred hereinabove as follows:-



Section 89 of C.P.C.- Application to set aside sale on deposit-

(1) Where immovable property has been sold in execution of a decree, any person claiming an interest in the property sold at the time of the sale or at the time of making the application, or acting for or in the interest of such person, may apply to have the sale set aside on his depositing in Court.

- (a) For payment to the purchaser, a sum equal to five percent of the purchase-money and
- (b) For payment to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which, may since the date of such proclamation of sale, have been received by the decree-holder.

(2) Where a person applies under rule 90 to set aside of his immovable property, he shall not, unless he withdraws his application, be entitled to make or prosecute an application under this rule.

(3) Nothing in this rule shall relieve the judgment-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale."

Section 16 of Court Fee:- Refund the Fee- Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 (5 of 1908) the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the Collector, the full amount of the fee paid in respect of such plaint."

Reading the provisions from Section 89 of the C.P.C., this Court finds

this involves a special proceeding declaring the manner of disposal of the Civil Suit without entering into the trial of the suit but under any of the modes stated therein. Looking to the pleadings and the prayer involved in Annexure-4, reading together with the provision contained in Section 89 of the C.P.C., this Court finds, the claim for disposal of the suit completely remaining outside the Court and in no circumstance comes under the disposal scope of Section 89 of the C.P.C. It is here taking into account the provision at Section 16 of the Court Fee Act and reading through the provision taken note hereinabove, this Court finds, this is a mechanism

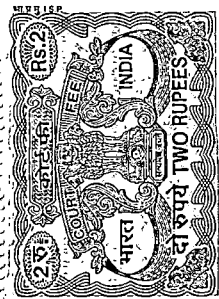
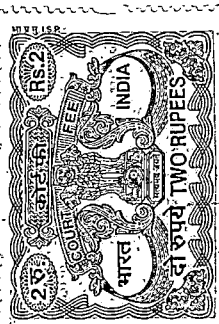


providing refund of Court Fee only in the case, there is reference of a suit to be disposed of in one of the modes of settlement of dispute referred to in Section 89 of the C.P.C. For the nature of disposal/settlement of the dispute claimed by the Plaintiff as recorded also by the trial court, for the opinion of this Court the disposal of the suit does not attract any of the provisions under Section 89 of the C.P.C. It is in the circumstance, there is no question of application of the provision of Section 16 of the Court Fees Act, 1870 to the case at hand. This Court finds, the impugned order herein against the provision of law. As an outcome, this Court interferes in the impugned order, vide Annexure-5 and sets aside the same.

4. The Writ Petition succeeds. No cost.

Orissa High Court, Cuttack.
Dated the 14th day of December, 2022/Swarna, Junior Stenographer

5d/- B. Rath, J



Comp-by S. Saha
29-11-24

Date of Application : 29
 Date of Notification : 29
 Date of Supply :- 29
 Date of Ready :- 29
 Date of Delivery : 29

11/24

C.A. No- 98892 / 2024		
MEMO OF COSTS		
	Rs.	P.
Application Fee.....	7	00
Searching Fee.....	—	—
Folios / No. Pages <i>6</i> X 2	12	00
Hologram Fees..... X 1	6	00
Photo Copies Fee..... X 1	6	00
For Typed Copies..... X 5		
Total	31	00
(Rupees <i>Thirty One</i> only)		
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EXAMINER OF COPIES CUM SUPERINTENDENT COPYING SECTION		



CERTIFIED TO BE A TRUE COPY
[Signature]
 Assistant Registrar (Estt.)
 HIGH COURT OF ORISSA
 Authorised Under Section-75,
 Bharatiya Sakshya Adhinlyam-2023

FORM OF VAKALATNAMA

IN THE HIGH COURT OF JUDICATURE, ORISSA, CUTTACK



W.A No. 2170

Between

Hazi Md. Ayub Khan

Appellant / Petitioner / Plaintiff

Versus

Collector Bolangir

Respondent / Opp. Party / Defendant

Know all men by these Present, that by this Vakalatnama

I/We Hazi Md. Ayub Khan, age - 75 years

S/o - Late Abdul Gafar Khan, At - Sivari -
Dr. Md. Ayaz Khan, 53 yrs, S/o - Hazi Md. Ayub Khan, Dr. Asma Farheen
Nagar, PO - Kantabari, Dist - Bolangir. W/o - Dr. Md. Ayaz Khan

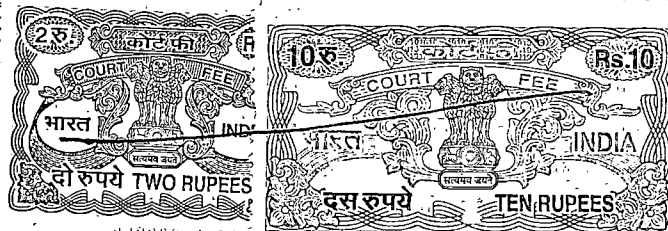
Appellant Respondent / Petitioner / Opposite Party in the aforesaid Revision / Appeal Case do hereby appoint and retain Sri

PRASHANTA KUMAR NAYAK,
RASHMITA SWAIN, SUMAN MITRA

Advocate (s) to appear for me/us, in the above case and to conduct and prosecute (or defend the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me / us in the said case and also in applications for review and in appeals under Orissa High Court Order and in applications for leave to appeal Supreme Court. I/We authorise my/our Advocate(s) to admit any case entered in the said case.

Dated the 28/8/2023

Received from the executant (s)
Satisfied and accepted as I / We
hold no brief for the otherside.



PRASHANTA K. NAYAK
ADVOCATE

EN. No. - O-1838/2023
M-7008907365

Advocate
Accepted as above

Advocate
Accepted as above

Advocate
Accepted as above

Advocate
Accepted as above

Advocate
Accepted as above

Advocate
Accepted as above

Advocate
Accepted as above

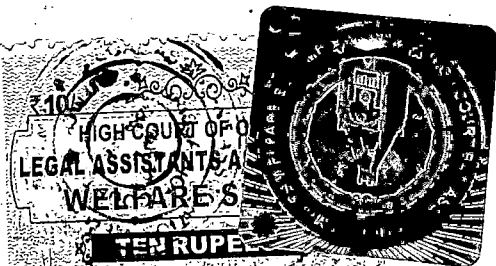
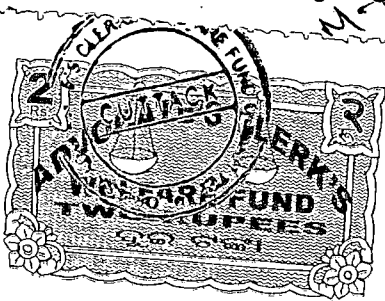
Hazi. Md. Ayub Khan
Mohammad Ayaz Khan
Asma Farheen Khan

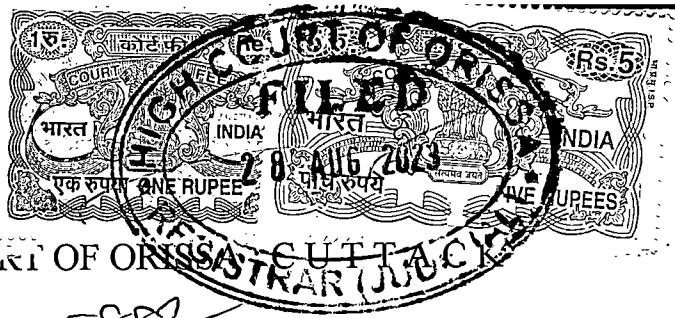
Signature of Executant

RASHMITA SWAIN
Advocate
EN. No. O-1069/2022
M-8917622862

Suman mitra
EN. No. - 535-23
M-933715929

R. Swain
Advocate
EN. No. - 1069/22
M-8917622862





IN THE HIGH COURT OF ORISSA, CUTTACK

I.A. NO. 5882 OF 2023

(Arising out of W.A. No. 2170 of 2023)

In the matter of :

An application for condonation of
delay under section 5 of the
Limitation Act and under Chapter-
VI, Rule 27(a) of the Orissa High
Court Rules ;

A n d

In the matter of :

Hazi Md. Ayub Khan

& others.....Appellants/Petitioners

-versus-

Collector, Bolangir & others.

..... Respondents/Opposite parties.

To

The Hon'ble Chief Justice of Orissa High
Court and His Lordships companion justices of the said
Hon'ble Court.

*Pswam
Cady*

28/8/2023
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

The humble petition of the
above named Appellants/Petitioners.

MOST RESPECTFULLY SHEWETH:

1. That the appellants herewith challenge the judgment dated 14.12.2022 passed by the Hon'ble Single Judge without hearing the case of the appellant. The said judgment has been passed by the Hon'ble Single Judge, which is against the judgment of the Hon'ble Apex Court passed in case of "The High Court of Judicature at Madras Rep. by its Registrar General – Versus- M.C. Subramaniam & ors" reported in (2021) 3 SCC 560. Hence the judgment dated 14.12.2022 is liable to be set aside and the judgment dated 15.04.2009 passed by the learned Civil Judge(SD), Titilagarh may be confirmed in favour of the appellant.


2. That the averments made in the Appeal may form the part of this misc. case.

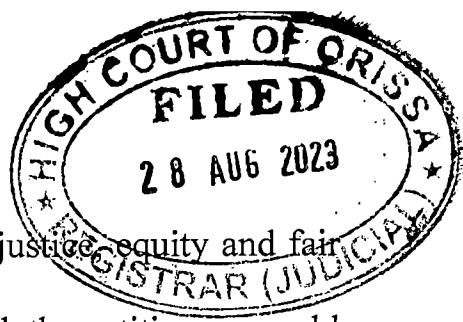
Renam
Caah
Surendra Prasad Dha
Advocate
NOTARY. CUTTACK

3. That the petitioner has a good prima facie case to succeed and the balance of convenience lies in favour of the petitioner.

4. That the petitioners humbly submitted that the impugned judgment was passed on 14.12.2022. The Appellant no.1 was dealing with the matter, who was suffering from different ailments. The appellants/petitioners have no knowledge regarding passing of the impugned judgment. After gathering the knowledge about the judgment, the appellants came to the advocate for filing of the present appeal. This appeal was prepared and filed before this Hon'ble Court. Due to illness of the petitioner no.1, collection of information and the documents for filling of the appeal, the delay caused for filling this appeal. Hence this is not intentional. The petitioners humbly pray for condonation of the delay of day in the interest of justice.

Prasanna
Cady


Surendra Prasad Panda
Advocate
NOTARY, CUTTACK



5. That in the interest of justice, equity and fair play unless the delay is condoned, the petitioner would suffer irreparably.

P R A Y E R

The petitioner therefore, humbly prays that your lordships would be graciously pleased to allow this application and condone the delay of day in filing the appeal in the interest of justice.

And pass any other or further direction/directions, judgment/judgments, relief/reliefs which this Hon'ble Court may deem fit and proper.

And for this act of kindness, the petitioner shall as in duty bound ever pray.

Cuttack

By the petitioners through

Date: 28.08.2023

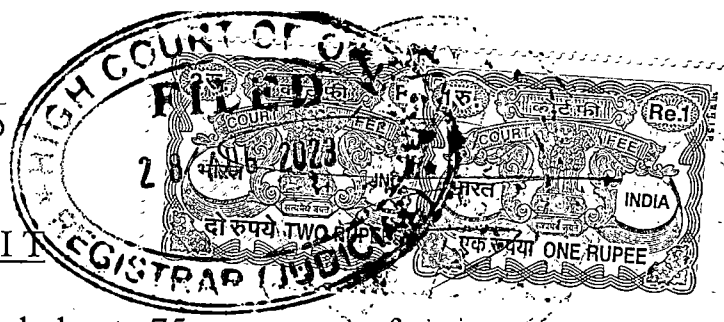
Advocate

Rswain

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

5

AFFIDAVIT



I, Hazi Md. Ayub Khan, aged about 75 years, son of Late Abdul Gaffar Khan, Village-Sivaji Nagar, PS-Kantabanji, Dist-Balangir, do hereby solemnly affirm and state as follows ;

1. That I am the petitioner No.1/ Appellant No.1 in the instant case and have been duly authorized to swear this affidavit on behalf of other petitioners/Appellants.
2. That the facts stated above are all true to the best of my knowledge and belief.

Identified by:

Bijay Kumar Deleite
Advocate's clerk

Hazi Md. Ayub Khan

Deponent

Certificate

Certified that due to non-availability of cartridge paper this petition has been typed in thick white papers.

Cuttack

Advocate R. Swarn

Date: 28.08.2023

For the petitioner

The above named Deponent

Solemnly affirm on 28.08.2023

by H. Md. Ayub Khan Being Identified

by Bijay Kumar Deleite

28.08.2023
Surendra Prasad Dha.
Advocate
NOTARY, CUTTACK

SCANNED

OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO:

448135

Date:

30-Aug-23

TIME:

11:33

CASETYPE:

WA

No:

2170

YEAR:

2023

PETITIONER / APPELLANT:

HAZI MD.AYUB KHAN

RESPONDENT / OPP PARTY:

STATE



PETITION & MEMO



IA



EXTRA COPY AUG 2023



COUNTER



ADDL

SET:

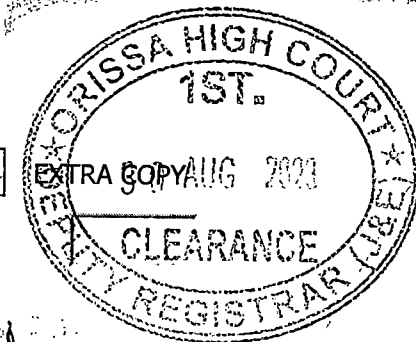


REJOINDER



CONSOLIDATED

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ADDL. STANDING
COUNSEL

CRR-2011 10067 of 10067



SCANNED

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ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 6

Branch No : WRIT APPEAL

Receipt No : 146569/2024

Date Of Receiving : 29/11/2024

Time : 01:32:30 PM

Filing No : WA/2170/2023

Case No : WA/2170/2023

Received From : Petitioner

Filed By: ADVOCATE FOR THE PETITIONER

Document(s) Filed :

2- Certified Copy (JUDGEMENT)

IN THE HIGH COURT OF ORISSA: CUTTACK
WA No 2170 / 2023



Collectors

Hazi Md. Ayub Khan Appellants.
Others

- versus -

Collector and others Opp. Parties.

Memo

Filing Certified copy of impugned ^(Judgment) order
dated 14.12.2022 (WPCC) No. 4667 of 2010
for removal of defect.

Date: 29.11.2024
Cuttack

Suman Mitra
Advocate for
Petitioner

DRG)
List this matter
on 3/12/2024

CJ

BO.

Summary
of the
case

THE HIGH COURT OF ORISSA : CUTTACK

MENTION MEMO

1. NUMBER OF THE CASE : WA NO. 2170 Of 2023
2. NAME OF THE PARTIES: Hoxi Md. Ayub Khan & others, ... Appellants
-vs-
Collector and others ... Opp. Parties.
3. PARTY SEEKING POSITION: Appellants
4. NAME OF THE ADVOCATE Prashanta Kumar Nayak
OF THE PARTY SEEKING POSITION:
5. NAME OF THE ADVOCATE
APPEARING FOR THE PARTIES:
6. MENTION FOR :
7. REASON FOR THE MENTION: Appellants have filed another
petition stating that Plaintiff and defendants
have received agreed amount in full and financial
of the claim amount and Prayed for
refund of court fee since 20.03.2024
8. DATE ON WHICH POSTING IS SOUGHT: 06.11.2024
9. WHETHER ANY CAVEAT HAS BEEN FILED OR NOT:
10. INDICATE WHETHER THE MATTER IS
IN THE LIST BEFORE ANY OTHER BENCH:

CUTTACK

DATE: 05.11.2024

Suman Mitra
SIGNATURE OF ADVOCATE

SCANNED

COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP

Seat No : 6

Branch No : WRIT APPEAL

Receipt No : 149113/2024

Date Of Receiving : 06/12/2024

Time : 04:00:02 PM

Filing No : WA/2170/2023

Case No : WA/2170/2023

Received From : Petitioner

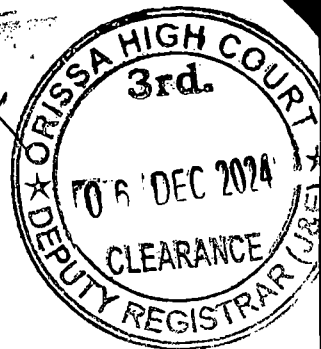
Filed By: ADVOCATE FOR THE PETITIONER

Document(s) Filed :

3- Court Fee --- Court Fee -Rs.9 (36204/2024)

IN THE HIGH COURT OF ORISSA: CUTTACK

WA No. 2170 / 2023.



Hazi Md. Ayub Khan & Others - - - Appellants

-vs-

Collector and others - - - - Opposite Parties

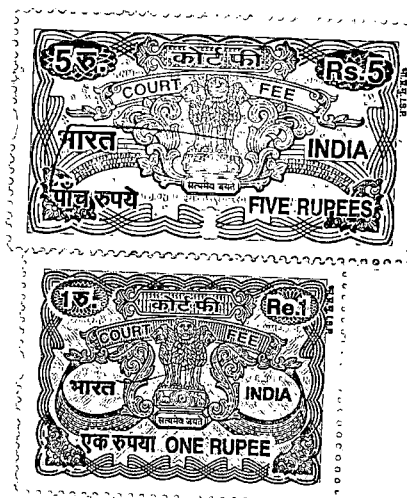
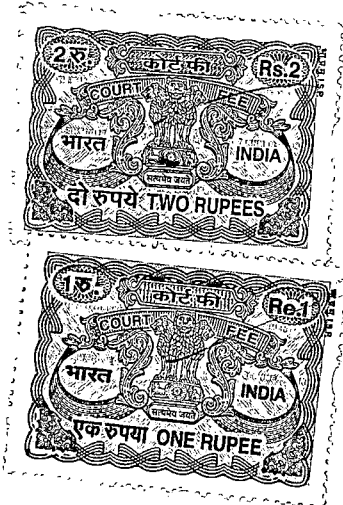
Memo

Attached Rs 6 and Rs 3 towards Court fee
deficiency and authentication fee
respectively for removal of defect

Date - 6.12.2024
Cuttack

Suman Mishra
Advocate
9937154929

36204



OFFICE OF THE ADVOCATE GENERAL, ODISHA

SLNO:

448126

Date:

07-Dec-24

TIME:

13:46

CASETYPE:

WA

No:

2170

YEAR:

2023

PETITIONER / APPELLANT:

HAZI MD.AYUB KHAN

RESPONDENT / OPP PARTY:

STATE



PETITION & MEMO



IA



COUNTER



ADDL

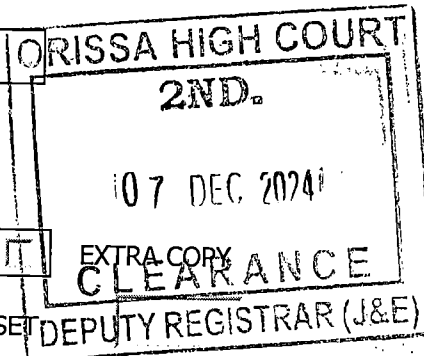


REJOINDER



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ADDL. STANDING
COUNSEL