

**COURT OF DISTRICT JUDGE, BHOPAL**

**(Presided by Mr. G.S. Patel)**

**GAS CLAIM CASE NO.1113 OF 1986**

**UNION OF INDIA**

**(Plaintiff)**

**Versus**

**UNION CARBIDE CORPORATION**

**(Defendant)**

**Parties by Counsel.**

**ORDER**

Interim Application No. 14 is filed by the plaintiff under section 30, 94 (c), 151 read with Order 11, rule 12 and Order 25, Rule 4, C.P.C. and also in the light of the Judge Keenan's order in case No. MDL 626 Misc. case No. 21-33 (JFK). Its copy has been given to the defendant. Another application *I.A. No. 15* under section 151, C.P.C. has also been filed by the defendant. Copy has been given to the plaintiff.

Plaintiff has filed documents as per list. Reader to verify the same. Photo-copy of the plaint Reg. Civil Suit No. 601/84-Smt. Gulab Bai Jain & others has been filed by the defendant. *I.A. No. 15* is accompanied by an extract of the brief submitted in the United States Court of Appeal II Circle and photo-copies of the same are also submitted by the plaintiff as well as the defendant.

Arguments on *I.A. No. 15* regarding election of forum and arguments on the interveners' application No. 1 under Order I. Rule 8, C.P.C. etc. for joining them as parties are heard.

The plaintiff and the defendant have both agreed that the interim orders passed in respect of *I.As. No. 2,4 and 13* should continue till the decision of the case. Therefore, these orders in respect of *I.As. No. 2,4 and 13* should be treated as final orders in the case *I.A. No. 10* is only an amendment application. It is of formal nature and is allowed. Similarly, *I.A. No. 11* is also of a formal nature and is therefore, allowed.

Thus only *I.A. No. 12, I.A. No. 14 and I.A. No. 15* remain to be decided. Parties request for a date. Replies to *I.As. 14 and 15* are yet to be filed.

Parties have been permitted to get the arguments tape-recorded. Both the parties are directed to file one copy of the tape-recorded version in the Court and should also furnish one copy to the other side. Parties are also directed to file typed

versions of the arguments heard today so that all important points are covered in the order which will be passed. In case no typed copy is filed, orders will be passed on the basis of oral arguments heard in the Court.

Parties may also submit either typed versions of oral arguments or written arguments if they so like. This be done within a week from today. Written arguments to be furnished by the 19th of this month. Orders on I.A. No. 5 and the intervener application I.A. No. 1 will be passed on 23.1.87. Law books be submitted within 3 days.

On the last date draft issues were submitted by this Court. It was made clear to the parties that issues would be made final only after hearing both the parties. It was never the intention of this Court not to follow the procedure as contained in Orders 10,11 and 12 of the C.P.C.

The order sheet dated 7.1.87 nowhere mentioned that arguments will be heard regarding draft issues and it was also orally expressed by me that parties may claim a longer date to make suggestions regarding the issues.

Proper orders in respect of I.A. No. 15 would be passed later on. But in the meantime it is made clear to all concerned that the procedure of law will be duly and fairly observed and in case any party feels aggrieved by any order passed by this Court, a fair and reasonable opportunity would always be furnished to the party to get their grievances redressed from higher Courts. Parties may also submit their proposed issues if they so like.

Case is now fixed for orders on I.A. No. 5 and interveners' application on 23.1.1987. Arguments on I.A. No. 12, under Order 6, Rules 4 and 5 and I.A. No. 14 and I.A. No. 15 be submitted on or before 29th January, 1987.

Case for orders and arguments on 23.1.1987 and for arguments on IA 12, 14, 15 to 4.2.87.

Dated : 12.1.87

Sd/-  
(G.S. Patel)  
District Judge  
Bhopal