

**COURT OF DISTRICT JUDGE, BHOPAL**

**(Presided by Mr. M.W. Deo)**

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

**UNION OF INDIA**

**(Plaintiff)**

**Versus**

**UNION CARBIDE CORPORATION**

**(Defendant)**

Parties by Counsel.

**ORDER**

Shri Sen, learned counsel for the Union of India, files a submission regarding election of forum. The defendant, Union Carbide prays for permission to file a reply to it which is allowed.

The plaintiff, Union of India, files reply to the defendant's application I.A. No. 22. Rejoinder, if any, be filed on the next date.

Plaintiff files an application (I.A. No. 24) for framing two preliminary issues. The defendant's prayer for time to reply to this application is granted. The reply be filed on 7th July, 87.

Shri Sen submits that application for better particulars (I.A. No. 12) be heard on 22nd of this very month. Mr. Zaiwalla, learned counsel for the defendant wanted it to be heard on 7th July, but this Court feel that in view of expediting the hearing of the case the petition should be heard on 22.6.1987.

The defendant filed an application (I.A. No. 25) Copy supplied to the plaintiff who shall file reply on 22.6.1987.

Case for 22.6.1987.

Sd/-  
(M.W. Deo)  
District Judge  
Bhopal

Dated : 15.6.1987

**ORDER**

The plaintiff files reply to I.A. No. 25. The defendant files I.A. No. 26 for filing list of reliances.

Shri R.C. Agarwal Counsel for plaintiff files & documents as per list.

The defendant files written response to the written submission made on 15th June, 1987 by the plaintiff about election of Forum (This be tagged with I.A. No. 5).

Mr. Nariman learned counsel for the defendant prayed that his application I.A. No. 25 be heard first before hearing I.A. No. 12 for better particulars.

Mr. Nariman was heard at length on I.A. No. 25 and it was pointed to the learned counsel for the plaintiff, Union of India, that the written-submission about election is subject to 3 conditions imposed in the judgment of Judge Keenan and that may create difficulty in spelling out an unequivocal election. At this stage Shri Sen learned counsel for the Union of India, submits that the Union of India will file a categorical statement of election of forum by 2nd July, 1987, so as to remove all shades of doubt so that the hearing as already fixed for 7th July, 1987, is not disturbed and we do not lose time.

The plaintiff shall file the statement about election of forum on 2.7.87 and supply copy of the same to the defendant on the same day. This done, the hearing will continue on 7th July as already fixed.

Mr. Sen granted time to reply the aspect of right of the plaintiff to make the election in view of the submissions made by Mr. Nariman. This will also be done on 7.7.1987.

Case for 7.7.1987.

Sd/-  
(M.W. Deo)  
District Judge  
Bhopal

Dated : 22.6.87

### ORDER

Arguments regarding question of election of forum including *I.A. No. 25*, heard. Order during course of the day, if possible. If time does not permit, tomorrow.

The defendant shall file reply to *I.A. No. 23* moved by State of M.P. within a week and arguments will be heard on 21st July, 1987.

*I.A. No. 12* for better particulars will also be heard on 21st July and if hearing is incomplete will be taken over for the next day i.e. 22nd July.

*I.A. No. 26* This in fact is not an application but is merely a list of reliance of the documents of the defendant which is taken on record. Nothing is to be heard about it.

That leaves us with *I.A. No. 24*. The defendant has filed a reply to the petition today and the plaintiff prays a week's time to file rejoinder. That be done by the plaintiff within 7 days whereafter it shall be heard on 17th August, 1987 and onwards day-to-day till it is over.

Case for 21.7.1987.

Sd/-  
(M.W. Deo)  
District Judge  
Bhopal

Dated : 7.7.87