

IN THE MADHYA PRADESH HIGH COURT

CIVIL REVISION NO. 26 OF 1988

UNION CARBIDE CORPORATION

(Petitioner)

Versus

UNION OF INDIA

(Respondent)

Parties by Counsel.

ORDER

Shri Nariman is heard on admissions.

The revision is admitted for final hearing. As Shri Vepa P. Sarthy takes notice of the revision on behalf of the plaintiff-nonapplicant, Union of India, it is not necessary to issue any fresh notice of the revision to the plaintiff-non-applicant.

The counsel for the defendant-applicant has furnished a copy of memo of revision along with annexures to the counsel for the defendant-nonapplicant.

As agreed to by both the parties, let the revision be listed for final hearing in this Court on 1.2.1988. It is made clear that the hearing of the case shall not be adjourned on the said date and shall be continued till the arguments are complete.

The defendant-applicant is directed to file copies of the plaint, written statement and order-sheets of the trial Court before 1.2.1988. They are also directed to make copies of the New York Foreign Money Judgments Law and other laws referred to in the order dated 14.1.1987 of the U.S. Court of Appeals available at the time of final hearing.

Shri Vibhuti Jha, Advocate, Bhopal who is present has made an application (I.A. No. 271/88) for being permitted to be heard in the matter as an intervener. The prayer is not opposed. Accordingly, it is allowed. It is ordered that he shall be heard in the matter.

I.A. No. 450/88 for stay

As the revision is being finally heard on 1.2.1988 i.e. much before the expiry of the period of two months granted by the trial Court for the purpose, it is not necessary to pass any interim stay order in respect of direction given by the trial Court to the defendant-applicant with regard to deposit of Rs. 3,500 Million.

It is stated that the next date of hearing fixed before the trial Court is 28.1.1988. It is ordered that on the said date, the said Court shall hear and dispose of the matters relating to incorporation of particulars in the plaint and amendment

in the written statement as already fixed by the said Court. However, it shall not proceed to hear any other matter till the disposal of this revision.

As mentioned above, let the revision be listed for final hearing before this Court on 1.2.1988.

C.C. be given to both the parties on payment of necessary charges.

Dated : 21.1.1988

Sd-/
JUDGE

ORDER

Shri Rajendra Singh with Shri Shukla for the defendant-applicant.

The case was taken up for verifying from the counsel for defendant-applicant whether it would be necessary to refer to the original record of the trial Court during the course of final hearing of the case fixed for 1.2.1988.

The counsel for the defendant-applicant has assured that copies of all the relevant papers would be made available at the hearing of the case and it is not necessary to send for the original record of the case.

The counsel agrees to the case being listed at serial no. 1 in the hearing (*sic*) parties cases fixed before this Court on 1.2.1988. Accordingly, the office is directed to list the case for further hearing before this Court on 1.2.1988 at 11 A.M.

Dated : 30.1.1988

Sd-/
JUDGE

ORDER

Parties as before.

Shri Nariman completes his counter reply.

On the question whether any directions can be given by this Court to the trial Court for the expeditious disposal of the suit, counsel for both the parties pray for time.

As agreed to by both (*sic*) them, further hearing of the case is adjourned to 17.2.1988.

Dated : 5.2.1988

Sd-/
JUDGE

ORDER

Parties as before.

During the course of arguments on earlier dates, this Court had requested the learned counsel for the parties to address it on the point that assuming an order of interim payment was not sustainable under the provisions of the Code of Civil Procedure as to why the said order could not be held sustainable under the substantive law of Torts. This Court had also desired to hear the learned counsel for the parties on the point as to why suitable interim directions could not be given by it to the trial Court in this revision with a view to ensure expeditious disposal of the suit.