

ITEM NO.3

COURT NO.1

SECTION IIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Original Suite (s). No(s). 3/2004

STATE OF BIHAR

Plaintiff(s)

VERSUS

STATE OF JHARKHAND & ORS.

Respondent(s)

(office report for direction)

WITH

SLP(C) No. 17232/2008

(With appln.(s) for directions and Office Report)

SLP(C) No. 17235/2008

(With appln.(s) for permission to file lengthy list of dates and Office Report)

Date : 26/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Plaintiff/Petitioner(s)

OS 3/2004

Mr. A.K. Ganguli, Sr. Adv.

Mr. Abhinav Mukerji ,Adv.

Ms. Bihu Sharma, Adv.

Ms. Purnima Krishna, Adv.

SLP 17232

Mr. Amrendra Sharan, Sr. Adv.

Mr. Tapesk Kumar Singh ,Adv.

Mr. Mohd. Waquas, Adv.

SLP 17235

Mr. Amrendra Sharan, Sr. Adv.

Mr. Gopal Prasad, Adv.

Mr. Manish Kumar Saran,Adv.

For defendant/Respondent(s)

UOI

Mr. P.S Narsimha, ASG

Signature Not Verified

Mr. S. Wasim A. Qadri, Adv.

Ms. V. Mohna, Adv. for

Digitally signed by

Pardeep Kumar

Date: 2014.08.28

16:54:39 SAST

Reason:

Ms. Sushma Suri, Adv.

SLP 17232, 17235

Mr. A.K. Ganguli, Sr. Adv.

Mr. Abhinav Mukerji, Adv.

2

Ms. Bihu Sharma, Adv.

Ms. Purnima Krishna, Adv.

Mr. Amrendra Sharan, Sr. Adv.

Mr. Tapesk Kumar Singh ,Adv.

Mr. Mohd. Waquas, Adv.

Mr. K.V. Mohan, Adv.

Mr. Gopal Prasad ,Adv.

Mr. Navin Prakash ,Adv.

UPON hearing the counsel the Court made the following

O R D E R

On 23.4.2013, the Registrar has recorded in the proceedings that after completion of examination of PW1, PW2 has filed an additional affidavit for evidence. Learned counsel for the defence opposed the receiving of above additional affidavit for evidence on the ground that it is not permissible under the law and on facts. Written

objection in that regard has also been filed by the defendant No. 1. At that time, learned counsel for the plaintiff -State of Bihar sought time to file reply to the objection raised by the defendant No.1.

2. This is how the matter has come up before us.

3. We have heard Mr. A.K. Ganguli, learned senior counsel for the plaintiff-State of Bihar and Mr. Amrendra Sharan, learned senior counsel for the defendant No.1 - State of Jharkhand.

4. We do not find any procedural impediment in permitting the plaintiff to file the additional affidavit by way of evidence of PW2. We do not agree with the objection raised by the defendant

3

No. 1 that additional affidavit for evidence is not permissible under law and on facts.

5. We overrule the objection of the defendant No. 1. However, since we find that the plaintiff has not been vigilant in prosecuting the suit, we impose a cost of Rs. 1,00,000/- (rupees one lac only) on the plaintiff which shall be payable by the plaintiff to the defendant No. 1 within one month from today. Additional affidavit of evidence filed by PW2 on 23.4.2013 before the Registrar is taken on record. The Registrar shall now proceed with the cross-examination of PW2. However, the

objection of the defendant No. 1 that by filing additional affidavit of PW2, certain admissions said to have been made by PW1 could not have been withdrawn by PW2 is kept open to be raised at the time of arguments in the suit.

6. Since the suit is almost 10 years old, we direct the parties to complete their evidence as early as may be possible and positively by 30.4.2015. The Registrar shall proceed in completing the evidence accordingly.

I.A. No. 4:

No order on the application for the present.

It is disposed of accordingly.

(PARDEEP KUMAR)
AR-cum-PS

(RENU DIWAN)
COURT MASTER