

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

BEFORE THE REGISTRAR MR. SANJAY PARIHAR

Original Suit(s). No(s). 3/2009

THE STATE OF HARYANA

Petitioner(s)

VERSUS

THE STATE OF PUNJAB &amp; ORS.

Respondent(s)

(MATTER WILL BE TAKEN UP AT 2.30 PM FOR CROSS-EXAMINATION IN  
REGISTRAR COURT NO. 2)

Date : 28-03-2018 This petition was called on for hearing today.

For Petitioner(s) Mr. Jagdeep Dhankar, Sr. Adv.  
Mr. Anish Kumar Gupta, AOR  
Mr. Avdhesh Kr. Singh, Adv.  
Mr. Rajendra Kr. Singh, Adv.  
Ms. Harsha, Adv.

For Respondent(s) M/S. Mitter & Mitter Co., AOR  
Mr. Arvind Kumar Sharma, AOR  
Mr. Sunil Fernandes, AOR  
Mr. Varinder Kumar Sharma, AOR  
Mr. Irshad Ahmad, AOR

(State of Punjab) Mr. R.S. Suri, Sr. Adv.  
Mr. Jagjit Singh Chhabra, Adv.  
Mr. Vinay K. Shailendra, Adv.

(State of H.P.) Mr. J.S. Attri, Sr. Adv.  
Mr. Ajay Marwah, AOR  
Ms. Chandra Nand Jha, Adv.

For UOI Mr. Arun Kumar Singh, Adv.  
Mr. M.K. Maroria, Adv.

(State of Rajasthan) Mr. S.S. Shamsbery, AAG  
Mr. Vikramjit Banerjee, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Indira Bhakar, Adv.  
Ms. Ruchi Kohli, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Counsel for the party is present. In terms of previous order dated 02.01.2018, witness DW-1, Harvinder Singh, Retd. Chief Engineer was required to be cross-examined by the State of Rajasthan.

Whereas, Counsel is representing the State of Punjab and Haryana. Counsel representing defendant no.1 stated that the said witness is presently lodged in Central Jail, Patiala and so he would be filing a separate application giving details of his lodgment. Once the application is filed, production warrant be directed.

Order XVI(a) of the Code of Civil Procedure governs the procedure for attendance of witness confined or detained in prison, whereas in terms of Order 32 of the Supreme Court Rules, Sections 28 and 32 of the Code of Civil Procedure shall apply to the summons, whereas sub-section (2), Order 32 speaks out that Order XVI in the first schedule to the Court shall apply with respect to summoning and attendance of witnesses.

Given the submission that the witness is presently lodged in a prison at Patiala and having regard to the provisions of Order 32 of Supreme Court Rules, the matter is placed before Hon'ble Judge-in-Chambers for further orders.

Await for directions.

List accordingly.

SANJAY PARIHAR  
Registrar