

ITEM NO.11

COURT NO.2

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 Suit No(s). 2/1988

STATE OF ASSAM

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(with office report for direction)

Respondent(s)

WITH

ORGNL.SUIT No. 1/1989
(With Office Report for Direction)

C.A. No. 4020/1999
(Office Report for direction))

C.A. No. 4021/1999
(Office Report for direction)

Date : 14/01/2015 These petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Krishnan Venugopal, Sr. Adv.
MS. Krishna Sarmai, Adv.
Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
MS. Avrtika walia, Adv.
M/s Corporate Law Group, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Sanjeev Kumar, Adv.

For Respondent(s) Mr. Ranjit Kumar, SG,
Ms. Binu Tamta, Adv.
Mr. W.A.Qadri, Adv.
MS. Sushma Suri, Adv.

Mr. K.N.Balgopal, Sr. AAG,
Mr. Kailash Vasdev, Sr. Adv.
Mr. Sanjay Shandilya, adv.
Mr. Gopal Singh, Adv.
MR. A.P.Mkundan, adv.
MS. Nitya Nambiar, Adv.
Mr. K.V.Girish Chowdhary, Adv.

Mr. Mohit D. Ram, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Aditya Ganju, adv.
Mr. Sanjeev K.Kapoor, adv.

Mr. A. S. Bhasme, Adv.

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

O.S. No. 2 of 1988:

By our order dated 24.09.2014 we had asked the Government of India to submit a report whether it is possible for it to mark the boundary between the disputing States on the basis of maps available with the Surveyor General of India and also whether any help can be taken from the latest technology available for demarcation of the boundary including satellite imageries. If so, the expense involved in any such exercise.

Mr.Ranjit Kumar, learned Solicitor General for India has today drawn our attention to an additional affidavit filed pursuant to the said order. From a reading of the order it appears that the demarcation of the boundary between the disputing States is not

even according to the Surveyor general of India possible without proper authentication and verification of the maps available with them. In the circumstances any such demarcation on the basis of the maps does not appear to be a feasible short cut to the controversy in this suit especially when other issues have also been raised by the defendants touching the maintainability of the suit and pleas of estoppel and waiver set up in the written submissions.

Having heard learned counsel for the parties at some length we are of the view there is no escape from reverting back to the normal procedure for adjudication of the matters in dispute in terms of the provisions of the C.P.C..

Based on the pleadings in the case three issues were framed by this Court by its order dated 23.08.1989. Subsequent to the framing of the issues an amendment to the plaint in Original Suit No. 2 of 1988 was also permitted by us, but the nature of amendment does not in our opinion call for framing of any additional issue for the issues already framed in our opinion take within their sweep all questions raised by the plaintiff by way of the amendment.

We had by our order dated 16.02.1990 granted time to the parties to file their documents extended by our

order dated 07.12.1992 by another eight weeks'. A further opportunity to file documents and list of witnesses was granted by our order dated 12.02.1993. Learned counsel for the parties submit that they do not propose to file any additional documents and that they have already recorded admission and denial on the documents filed by them earlier. Be that as it may since the proceedings in the suit are being resumed after a gap of 22 years, we deem it just and proper to grant to the both the parties four weeks' time to file any further documents that they propose to rely upon. The parties shall also during this period file their respective list of witnesses.

We further direct that the State of Assam plaintiff in O.S. No. 2 of 1988 shall commence its evidence first and file the examination chief of the witnesses sought to be examined on affidavits within three months finally from today. We make it clear that no further time shall be granted for this purpose.

We direct that the plaintiff-State of Assam shall on its own produce witnesses either by it and affidavit may be filed in this Court with a copy to the counsel opposite on 20.04.2015 before the Registrar (Judicial) who shall record the deposition of the witnesses continuously on day today basis till the evidence is

completed. Upon conclusion of the evidence of the plaintiff the defendants shall file the affidavits of their witnesses included in the list and produce them before the Registrar on a date to be fixed by the Registrar for that purpose. The case shall during the intervening period be listed for directions, if any necessary on 28.07.2015.

O.S. No. 1 of 1989 and Civil Appeals No. 4020 of 1999, 4021 of 1999:

Post after two weeks.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master