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MADHU LIMAYE AND ANR.

v.

VED MURTI & ORS.

September 10, 1970

B

[M. Hidayatullah, C.J., J. M. Shelat, V. Bhargava, G. K. Mitter, C. A. Vaidialingam, A. N. Ray and I. D. Dua, JJ.]

C

Supreme Court—Language of court is English—Intervener seeking permission to argue in Hindi—Such permission, could not be extended when counsel on both sides and several members of Bench could not follow arguments in Hindi—Alternatives suggested by court not accepted by intervener—Intervention must be cancelled.

D

R was allowed to intervene in a petition for a writ of *habeas corpus* under Art. 32 of the Constitution. He was allowed, at his request, to address the court in Hindi but counsel on both sides as well as several members of the Bench were unable to follow his argument. He was asked by the court to address the court in English, or to allow his counsel to present his case, or to give written arguments in English. He refused to accept any of these suggestions.

HELD : In the circumstances it was futile to allow the intervener to continue his arguments in Hindi. The language of the court being English and the intervener not being agreeable to any of the suggestions made to him, the only alternative for the court was to cancel his intervention.

ORIGINAL JURISDICTION : Writ Petition No. 307 of 1970.

E

Petition under Art. 32 of the Constitution of India for a writ in the nature of *habeas corpus*.

Petitioner No. 1 appeared in person.

K. Rajendra Chaudhuri and Pratap Singh, for petitioner No. 2.

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C. D. Daphtary, L. M. Singhvi and O. P. Rana, for the respondents.

Niren De, Attorney-General, R. H. Dhebar, H. R. Khanna, S. P. Nayar and R. N. Sachthey, for Attorney-General and Union of India.

S. C. Agarwal, D. P. Singh and Raj Narain (in person), for the intervener.

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ORDER

H

Mr. Raj Narain yesterday insisted on arguing in Hindi. He was heard for sometime with a view to see whether we could follow him, simply because this is a *habeas petition* involving the liberty of the citizen. Because of the importance of the case, we heard him for sometime, but the Attorney-General, Mr. Daphtary who is opposing him and some of the members of the Bench could not understand the arguments made in Hindi yesterday. In these circumstances, it is futile to permit Mr. Raj Narain to continue his

arguments in Hindi. He has a counsel Mr. D. P. Singh already in attendance and helping him. We suggested the following three alternatives,

- (a) that he may argue in English; or
- (b) he may allow his counsel to present his case; or
- (c) he may give his written arguments in English.

The language of this Court is English (see Art. 348 of the Constitution). If Mr. Raj Narain is not agreeable to these suggestions, and we understand, he is not, the only alternative for us is to cancel his intervention. We order accordingly.

G.C.