

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

OP(C).No. 2179 of 2015 (O)

OS 1065/2013 OF MUNSIF COURT, THIRUVANANTHAPURAM.

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PETITIONER:

**REV. BISHOP DHARMARAJA RASALAM,
S/O.J.ALBERT, AGED 59 YEARS, BISHOP,
SOUTH KERALA DIOCESE, LMS COMPOUND,
PALAYAM, THIRUVANANTHAPURAM.**

**BY SRI.T.KRISHNANUNNI (SENIOR ADVOCATE)
ADVS. SRI.SUMAN CHAKRAVARTHY
SMT.MEENA.A.
SRI.SAJU.S.A
SRI.K.C.KIRAN
SRI.M.DEVESH**

RESPONDENT(S):

- 1. REV. DR. T.B PREMJIITH KUMAR,
S/O.THANKAMONEY, ELUMPLASSERY HOUSE,
IRUMBIL, ARUVIPUAM PO, PERUMBZHUTHOOR,
THIRUVANANTHAPURAM, PIN-695 126.**
- 2. SOUTH KERALA DIOCESE,
REPRESENTED BY ITS SECRETARY, D.LAWRENCE,
S/O.DASAN, LMS COMPOUND, PALAYAM,
THIRUVANANTHAPURAM, PIN-695 146.**
- 3. D.LAWRENCE, S/O.DASAN, SECRETARY,
SOUTH KERALA DIOCESE, LMS COMPOUND,
PALAYAM, THIRUVANANTHAPURAM, PIN-695 146.**

**R1 BY ADVS. SRI.TITUS MANI
SRI.BINNY THOMAS
SRI.P.A.JACOB**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 30-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

OP(C).No. 2179 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 : TRUE COPY OF THE PLAINT IN OS.NO.1065/2013 ON THE FILE OF THE COURT OF THE MUNSIF OF THIRUVANANTHAPURAM DT 18-8-2013.
- P2 : TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANTS.
- P3 : TRUE COPY OF THE ORDER DT 7-8-2013 IN IA.NO.5216/2013 IN OS.NO.1065/2013, MUNSIF COURT, THIRUVANANTHAPURAM.
- P4 : TRUE COPY OF THE ORDER DT 1-1-2015 IN CMA 92/2013, DISTRICT COURT, THIRUVANANTHAPURAM.
- P5 : THE TRUE COPY OF THE SUMMONS SERVED ON THE PETITIONER DT 29-7-2015.
- P6 : THE TRUE COPY OF THE AFFIDAVIT IN SUPPORT OF IA.NO.6490/2015.
- P7 : THE TRUE COPY OF THE REPORT OF THE COMMISSIONER DT 3-9-2015.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

K.ABRAHAM MATHEW J.

O.P.(C) No.2179 of 2015

Dated this the 30th day of October, 2015

JUDGMENT

Petitioner is a witness in O.S.No.1065 of 2013. He was examined through a commissioner appointed by the court. The prayer in this Original Petition is to direct the Munsiff not to examine him further and if he is examined his safety should be ensured by the court.

2. Heard.

3. The petitioner is a bishop. His apprehension is that unnecessary and scandalous questions will be asked in the examination to belittle him. The apprehension is said to be based on the questions already put to him. A witness is said to be a guest of the court. The presiding officer has a duty to see that he is not threatened belittled or otherwise badly treated in the witness box. But the court cannot dispense with his further examination. It is sufficient that the presiding officer is directed to ensure the safety of the witness and reminded the relevant provisions in the Evidence Act.

In the result, this Original Petition is allowed. The learned Munsiff is directed to ensure the safety of the petitioner-witness. He shall also take notice of the provisions in the Evidence Act relating to the examination of the witness especially in Sections 149, 151 and

152. No irrelevant questions shall be allowed to be put. If circumstances justify, he shall invoke Section 150 of the Evidence Act. If the petitioner files an application for in camera examination, the learned Munsiff shall take a decision on it on merits.

Sd/-
K.ABRAHAM MATHEW
JUDGE

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/True copy/

P.S.to Judge