

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.02.2017

Coram:

The Hon'ble Mr.Justice NOOTY.RAMAMOHANA RAO
AND
The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Appeal No.148 of 2017

R.Gururaj Appellant/Petitioner

Versus

1. V.Senthil

2. The Deputy Registrar of Cooperative
Societies, Cuddalore - 607 001,
Cuddalore Taluk, Cuddalore District.

3. The Secretary F.C.2858
Kurinjipadi Panchayat Union &
Aided Primary H.S & H.R.Sec.
School Teachers Co-Op. Thrift &
Credit Society Ltd., Anna Nagar,
Kurinjipadi Taluk,
Cuddalore District. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order in W.P.No.38139 of 2016, dated 03.11.2016,
passed by the learned single Judge of this Court. Writ Petition
filed under Article 226 of the Constitution of India praying for
the issuance of a writ of certiorari to Call for the records and
quash the proceedings in A.F.No. 182/2016 dated Nil on the file
of the 1st respondent.

For Appellant ..Mr.V.Raghavachari
for M/s. Avinash Wadwani
and K.Sripriya.
For Respondents..Mr.L.P.Shanmugasundaram,
Spl. G.P. for R3.
Mrs.T.Giriya, Govt. Adv. for R2.

JUDGMENT

(Judgment of the Court was delivered
by NOOTY.RAMAMOHANA RAO,J.)

Heard Sri.V.Raghavachari, learned counsel appearing for the Appellant and Sri.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the 3rd Respondent and Smt.T.Girija, learned Government Advocate, appearing for the 2nd Respondent.

2. We do not wish to say anything more except to record that perhaps the learned Judge got swayed by his momentary passion to find out truth in all the endeavours which he undertakes.

3. Truth of life is that there will be good, bad and the worse cases and causes that will be brought before the Courts and the judges are supposed to deal with everyone, with the same quantum of equanimity and not to get upset or lose their cool and compassion.

4. The job of a lawyer in a Court hall is undoubtedly is that of an officer of the Court. His obligations towards his client are only a part of that duty, but not the whole of it. Just because a lawyer has stepped into a Court hall, he is not expected to get up at all times and say that there is nothing in the case and it may be dismissed. Sometimes, the lawyers will pursue a finer aspect of the law or the combination of law and fact, for purposes of projecting it for consideration of the Courts. Is it not true that some of the judgments rendered on the subject are over-ruled over a long period of time! Does it not bring out that the moment a different view was sought to be canvassed before the Court, the very idea is not to be discarded as completely wrong? In our humble opinion, it is only with the advantage of additional wisdom or additional logic, which has since been thought of subsequently, the answers for the problem posed earlier may have been found out and hence revisitation of the legal principles would have occasioned. Therefore, unless a lawyer misconducts himself inside the Court hall, the Court shall not find fault with him for exercising his function to put forth an idea, however absurd or un-expectable in the given circumstances it might appear. It is for the Courts to find a solution without losing its composure and or compassion.

5. We find that the adjudication rendered by the learned single Judge appears to be the reflection of a momentary thought indulged in, rather than a seriously contemplated one. In this view of the matter, we consider it appropriate to set aside the

order rendered by the learned single Judge and restore the writ petition so that, sans emotion, the writ petition can be considered and appropriate orders on merits can be passed. Accordingly, the writ appeal stands allowed and the Writ Petition stands restored. No costs.

Sd/-
Assistant Registrar

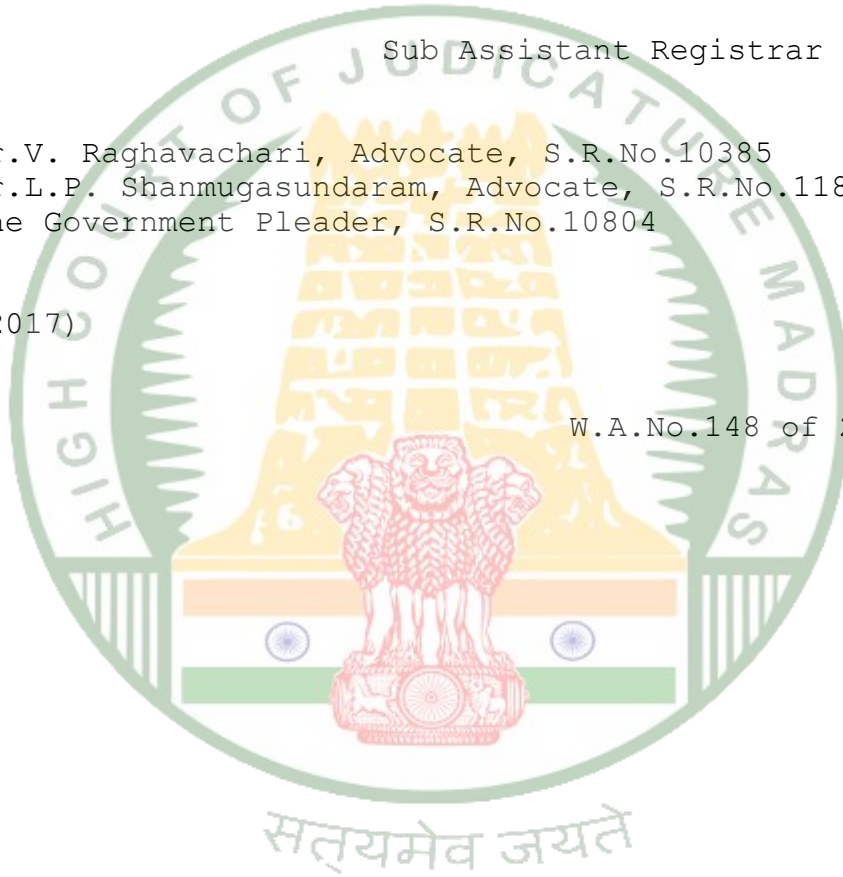
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Sub Assistant Registrar

+1cc to Mr.V. Raghavachari, Advocate, S.R.No.10385
+1cc to Mr.L.P. Shanmugasundaram, Advocate, S.R.No.118609
+1cc to the Government Pleader, S.R.No.10804

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W.A.No.148 of 2017



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