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Suo motu Contempt Petition No.3044 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

Suo motu Contempt Petition No.3044 of 2013

High Court of Madras,
High Court, Madras.

.. Applicant

vs.

- 1.M.Sivabalan,
Advocate,
First Cross, Avvai Nagar,
Mudaliarpet,
Puducherry-4.
- 2.C.Jeeva Devan
Advocate,
No.39, Gangaianman Koil Street,
Chinnayampet,
Puducherry-605 013.
- 3.M.Kumaran,
Advocate,
President of Bar Association,
No.11, Achutha Padayachi Street,
Puducherry-4.



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4.A.Kannan,
Secretary of Bar Association,
No.44, Third Street,
Pudu Nagar, Reddiarpalayam,
Puducherry-10.

.. Contemnors

Prayer: Suo motu contempt proceedings initiated against the contemnors as per the order of the First Bench of this Court dated 06.12.2013.

For the Applicant : Mr.V.Balamurugane
Govt. Pleader (Puducherry)

For the Contemnors : Mr.M.Velmurugan
for Contemnors 1 and 2

: Mr.D.Selvam
for Contemnors 3 and 4

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

Pursuant to the direction given by the First Bench of this Court dated 06.12.2013, the present suo motu contempt proceedings was initiated against the contemnors 1 to 4.



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2. As per the administrative order, the contempt petition has been listed before us.

3. The contemnors 3 and 4, namely, Mr.M.Kumaran and Mr.A.Kannan, have filed separate affidavits tendering unconditional apology. In their affidavits, they have stated that the unfortunate and undesirable incident that happened in the Family Court of Puducherry on 28.11.2013 was an outcome of the emotion of lawyers appearing before the Court to see their cases disposed of at an early stage on the insistence of their clients.

4. In his affidavit, Mr.M.Kumaran stated that he was the President of Puducherry Bar Association and he was not directly involved in the incident and, at the time of incident, he was not there. However, as President of the Bar Association, he was duty bound to settle the issue between the lawyers and the learned Judge, whenever it comes to his notice. It is his claim that he went and pacified the lawyers who thronged the court premises and, on his request, they dispersed calmly. However, the learned Family



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Court Judge has felt that the advocates have interfered in the administration of justice, for which Mr.Kumaran, in his affidavit dated 29.1.2014, expressed his sincere regret. In his affidavit, he has stated that now the Courts in Puducherry are functioning smoothly and the relationship between learned Judges and advocates at Puducherry is very normal and cordial. Therefore, accepting his unconditional apology, the contempt proceedings may be closed.

5. Similar affidavit has been filed by Mr.A.Kannan, who was the Secretary of Puducherry Bar Association at the relevant point of time.

6. Mr.D.Selvam, learned counsel appearing for the contemnors 3 and 4, submitted that as President and Secretary of Puducherry Bar Association, whenever any issue or problem or dispute arose between the Bar and Bench, being responsible leaders of the Bar, the contemnors 3 and 4 came forward to sort out the issue. As President and Secretary of Puducherry Bar Association,



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the contemnors 3 and 4, although they were not present at the time of incident, came forward to sort out the issue. Therefore, accepting the unconditional apology tendered by the contemnors 3 and 4, the contempt proceedings may be closed.

7. On a perusal of the affidavits of the contemnors 3 and 4, we do not find any element of contempt against the contemnors 3 and 4. Moreover, we are of the view that the unconditional apology tendered by the contemnors 3 and 4 is acceptable and satisfied. Thus, accepting the unconditional apology tendered by the contemnors 3 and 4, they are discharged from the present suo motu contempt proceedings.

8. Coming to the contempt proceedings initiated against the contemnors 1 and 2, namely Mr.M.Sivabalan and Mr.C.Jeeva Devan, Mr.M.Velmurugan, learned counsel appearing for the contemnors 1 and 2, submitted that there is no complaint pending against the contemnors 1 and 2 before the Bar Council of Tamil Nadu and Puducherry at present. The learned counsel submits that



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the contemnors 1 and 2 have also filed separate affidavits tendering unconditional apology and expressed their sincere regret for the unfortunate incident that took place on 28.11.2013.

9. In the affidavits filed by the contemnors 1 and 2, it has been stated that under the pressure of their clients to finish the cases as early as possible, they made a request to the learned Family Court Judge to take up the consent decree cases on a priority basis, however, the learned Judge did not pay heed to the same. In that emotion, there was an exchange of words by the advocates, but no untoward incident had taken place either inside the Court hall or in the Chambers of the Judge. Hence, their affidavits tendering unconditional apology may be accepted and they may be discharged from the contempt proceedings.

10. Mr.M.Velmurugan, learned counsel appearing for the contemnors 1 and 2, repeatedly requested this Court to drop the contempt proceedings initiated against the contemnors 1 and 2 not justifying the stand taken by them and also not justifying the



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incident that had occurred on 28.11.2013 because of their attitude and behaviour before the learned Judge of the Family Court inside the Court hall as well as in the Chambers. The learned counsel further submitted that the contemnors 1 and 2 have given undertakings that this type of incident would never take place in their life time of practice.

11. In this context, it is pertinent to take note of the role of the advocates in justice delivery system. It is no doubt true that advocates have to follow certain professional ethics and uphold the dignity and decorum of the Court. While defending the interest of his client, an advocate has to give due regard to his opponent. Advocates are held in high esteem in the society. The dignity of the Court is in fact dignity of the system and an advocate being an officer of the Court should not bring disrepute to the whole administration of justice through his act. However, in the case on hand, forgetting the fact that they have to conduct themselves in a manner befitting the high and honourable profession, the contemnors 1 and 2 have admittedly barged into the chamber of



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the learned Judge and behaved in an unbecoming manner of a member of the learned noble profession. Therefore, in our considered view, definitely mere acceptance of the unconditional apology tendered by them alone will not be sufficient. Hence, we hereby impose costs of Rs.25,000/- each on the contemnors 1 and 2 for their behaviour.

12. Accordingly, the contemnors 1 and 2 are also discharged from the suo motu contempt proceedings, subject to payment of costs of Rs.25,000/- (Rupees Twenty Five Thousand) each payable to the Puducherry Advocates' Welfare Fund, within a period of two weeks from the date of receipt of a copy of this order. Failure on the part of the contemnors 1 and 2 in paying the costs aforesaid will result in initiation of further proceedings against them.

(T.R., ACJ.) (D.K.K., J.) (G.C.S., J.)
30.09.2022

Index : Yes
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Note:

Issue on 20.03.2023



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T.RAJA, ACJ,
D.KRISHNAKUMAR, J.
AND
G.CHANDRASEKHARAN, J.

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