

HUMOUR IN COURT

R. K. Rastogi*

Joint Director, (Research)
J.T.R.I., Lucknow

Sometimes such incidents take place in the Court as create humour even in tense moments of hearing. A few of such incidents are being reproduced below which either took place in my court or which were narrated before me or which I came to know from some other sources.

1. When I was posted at Amroha as Munsif, a person was called as a witness in a civil suit. He was working as Chaukidar at the residence of Ex-Chairman of the Municipal Board, Amroha. After administering oath to him, his name, age, and parentage were noted, and when he was questioned about his vocation, he replied "Saheb, Hamare Yahan to Chairmani hoti hai" (Sir, we do Chairmanship). - Actually he had narrated, instead of his vocation" the status of his employer, and there was an outburst of laughter in the Courtroom.

2. The ladies have got a general tendency not to tell their correct age and to conceal it. Whenever they are called as witness in the court, they generally try to avoid the question regarding their age and either state that they do not remember it or they give such an under-estimate of the age as is impossible, and it creates a humorous situation. Once I went through an English case where a lady who was summoned as a witness refused to tell her age. She was warned by the Court that if she refused to tell her age, she may be convicted, but even then she persisted in her refusal. Then she was convicted by the Court and her appeal was dismissed even by Highest Court of Appeal. Then she moved a mercy petition before the Queen stating how much injustice was being done to the ladies in her Majesty's reign by requiring them to disclose their age, which they had right to conceal. She pleaded for repeal of the law, which required a woman witness to state her age. The queen granted the pardon though the law remained unchanged.

3. Once Sri Narendra Pal Singh, a leading civil lawyer at Meerut, narrated before me an incident that in one case a witness was repeatedly using the word "Gaillor". The Judge inquired about its meaning. Then the plaintiff who was a jat immediately addressed the Court; "Suno, Main bataun gaillor kise kahen, Jaise tera bap mar jaye, aur teri maan mujhe kar le, aur tu uske sath aaye, to tu mera Gaillor hua" (Listen, I tell you who is called Gaillor. If your father dies, and your mother comes to me, and you come along with her, you will be my Gaillor.)

The Judge understood the meaning never to forget it.

4. Once I read about a case of M.P. A suit for recovery of money was filed in the Court based on the allegations that defendant had borrowed money but had failed to repay the amount. The defendant filed a W .S. admitting the allegation of borrowing money but pleading that at the time of the transaction the plaintiff had permitted him to repay the amount any time according to his own wishes. He pleaded that since he himself did not yet have any desire to

* Elevated to Hon'ble High Court subsequent to publication of this Article.

repay the amount, no cause of action had accrued to the plaintiff and the suit was liable to be dismissed. In the alternative, it was pleaded that if the plaintiff denies the above allegation, the suit may be decreed. Then the P.O. made enquiries and found that both the parties were fast friends, and the plaintiff was a big moneylender. Once the defendant was in need of money, and so the plaintiff advanced the amount permitting him to repay it whenever he desired. Thereafter no demand was made by the plaintiff and the defendant also forgot to repay the amount. The plaintiff had established an office to look after his business of money lending, and when the period of limitation was going to expire, a plaint was drafted for recovery of the amount along with plaints of other cases, and the same was presented before the plaintiff for signatures, who signed it in the routine manner along with other plaints and the suit was filed. The plaintiff admitted that the allegations made in the written statement were correct. The plaintiff ultimately got the suit dismissed, and the next day after dismissal of the suit, the defendant sent the entire amount to the plaintiff.

5. Once a person was called as a witness in the Court. After administering oath to him, his statement was recorded, but he gave a false statement. Then the counsel for the other party who was aware of the true facts questioned him outside the Court as to why he had deposed false facts after swearing in the name of God. He replied that he had not taken oath in the name of Ishwar (God) but in the name of Ee Suar (the pig.) pointing towards his opponent that he would, not tell lie, and as such he had not spoken even a single false word in the name of God.

6. Once a criminal case was pending against an accused and that case was based on the solitary statement of a witness who was actually a professional witness. The accused tried to oblige him with money but his demands were so high that the transaction could not be settled. Thereafter the statement of that witness was recorded in the Court and it could not be possible for the learned counsel for the accused to damage his testimony in the course of cross-examination. The accused apprehended that he could be convicted on the basis of his testimony. Thereafter he decided to pay the full amount demanded by the witness, and offered the same to the intermediary, who indicated to the witness that full payment had been received. By the time, the entire statement of that witness had been recorded and he was going to sign his statement. On receipt of the above message the witness made a request before the Judge after signing the statement that a certificate may be issued in his favour by the Judge to the effect that he had given a correct statement in the Court. The Judge inquired from him as to what was the matter and then he replied that the I.O. of the case had ordered him in the village to support the prosecution case threatening him of dire consequences if he failed to do so, and so a certificate may be issued in his favour disclosing that he had supported the prosecution case so that he may show it to the I.O. and thus save himself from persecution by the police. The counsel for the accused made a request to the Court to record this part of his statement also, which was accepted. Thus the reliability of his testimony was totally washed away.

7. Once a counsel was cross-examining an old lady. After completion of cross-examination, he asked her whether his questions had caused annoyance to her. She replied in the negative stating that she has got a young grandson who puts much more foolish questions to her, and since

she has been accustomed to reply them, she did not face any difficulty in replying to his questions.

8. A senior counsel was very miser. The juniors used to tease him for his miserly nature. Once a junior counsel borrowed a law book from him but did not return the same in spite of repeated demands. Then that senior counsel filed a suit in the Court of J.S.C.C. for recovery of its price, which was Rs. 10/-. The defendant filed a W.S. and made a request that the case involved several complicated questions of law and fact and so it should be fixed for hearing on a holiday. The Judge acceded to the request and the suit was listed for hearing on a Sunday at the residence of the Judge. Several barristers also put in their appearance for the plaintiff, though the plaintiff was asserting that he did not require any counsel.

The hearing started. The defendant took a preliminary objection that the plaintiff is of unsound mind and so his guardian should be appointed and then the case should proceed. The plaintiff's barrister replied that his client is of sound mind, but if the court is of the view that a guardian of his client should be appointed, he had no objection. The court decided that the plaintiff was of sound mind and so he could personally sue.

Then the defendant raised second preliminary objection that the plaintiff is a member of joint Hindu family and he had purchased the book out of joint family funds and so he was not the exclusive owner of the book and had no right to sue in his own name alone and all the members of the family should be impleaded and the suit was bad for non joinder of necessary parties. The plaintiff's barrister stated that the book was purchased by the plaintiff out of his own income, but if the court is of the view that the entire family of the plaintiff should be impleaded, he had no objection to it. Then the plaintiff asked his barrister not to appear on his behalf. However the court decided that there was no necessity to implead family members and the suit was maintainable in the plaintiff's name alone.

Thereafter the plaintiff's statement was recorded. He deposed that the book was worth Rs.10/-, but in his cross-examination he admitted that he had purchased it for eight annas only from a shop-keeper at Nakhas market which is held in Lucknow on every Sunday. The defendant did not give any evidence.

The Judge decreed the suit for recovery of eight annas only with proportionate costs. The defendant made a prayer that the decretal amount was very heavy and so he should be permitted to pay it in instalments. The Judge acceded to his request and fixed monthly instalments of two paise; and a decree was passed accordingly. Thereafter on 1st of each month, the defendant used to deliver two paise to the plaintiff making a request to him, "Uncle, please file a receipt for the amount in the Court."

9. Once an appeal of Mahamana Pandit Madan Mohan Malaviya in his personal case was listed for hearing before the Allahabad High Court and it was likely to be called up, but the barrister engaged by Sri Malaviya had not arrived in the Court by that time. Two junior advocates of the barrister said to Sri Malaviya that he need not bother and they would argue the appeal, if

the barrister does not come. Malaviya ji replied that for marriage with a bride aged, sixteen years a bridegroom aged 20 to 22 years is required, and in his place two adolescents aged 12 years cannot do.

10. Once a very old person was appearing as a witness in the Court. He was being repeatedly cautioned by the Court to behave properly and to reply in a proper manner, but he was behaving in his own way without paying any attention to the above advice. Ultimately, the Court warned him that if he does not improve his conduct, he shall be sent to jail. The witness then replied that he has got grandsons of the age of the Judge and as such how could he be sent to jail.

11. A Judge used to take his dog to the Courtroom and during the course of arguments he occasionally started patting the dog. Once a senior advocate was arguing an appeal before him. During the course of arguments, when the Judge started patting the dog, he stopped his arguments. The Judge asked him to continue. He stated that he stopped because he thought that your Lordship was having consultation with the dog. The Judge did not bring his dog to the Courtroom thereafter.

12. There was a practice in Courts at Varanasi that the lawyer, who was elected President of the Bar Association, would give a party to all the members of the Bar, in which Presiding Officers of the Courts were also invited. Once an advocate who was elected President of the Bar Association refused to follow this precedent in spite of repeated persuasions by his colleagues. Then one day a few junior advocates managed to obtain a sheet of his letter-pad. They typed an invitation for a tea party on his behalf in the afternoon that very day, prepared his forged signature below the invitation and then circulated it amongst all the Presiding Officers including the District Judge, and the members of the Bar. Thereafter they handed it over to the President stating that they had invited all the officers and the Bar members on his behalf and it was now for him to decide as to what he would serve whether a glass of water only or something else. The President was left with no alternative except to arrange a party at which good snacks were served.

13. A junior counsel was arguing a case before a Munsif. The Munsif was not satisfied with his arguments. He therefore asked the junior to call his senior counsel. When the senior counsel appeared, the Munsif told him that his junior was not competent and was unable to argue properly. The senior counsel stated that he was in total agreement with the finding of the learned Munsif about his junior and that is why he had asked his junior repeatedly to leave the practice and appear in the competitive examination for recruitment of Munsifs but the junior was not paying any attention to his sincere advice.

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