

In Re: Krishnamachariar

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SooperKanoon Citation : sooperkanoon.com/775869

Court : Chennai

Decided On : Mar-10-1902

Reported in : (1902)12MLJ354

Appellant : In Re: Krishnamachariar

Judgement :

ORDER

1. We think the circular of the District Magistrate, dated January 17, 1901, went beyond the terms of the High Court circular, dated October 18, 1899. The High Court circular (states that, as a general rule, no person who is not a qualified legal practitioner should be permitted to act in any proceeding except to prevent a possible miscarriage of justice.

2. The circular of the District Magistrate contains this passage: 'Magistrates will do well not to allow uncertificated men to appear except in cases in which they are personally interested.'

3. The order made by the Sub-Magistrate of Virudupatti, which is a general order that no private vakil shall appear in his court, and which was made in pursuance of the District Magistrate's circular of January 17th, also goes beyond the terms of the High Court circular.

3. As regards the order of the District Magistrate, dated 4th May 1901, no exception can be taken to so much of the order as states that the District

Magistrate is not prepared to make any general exception in favor of any particular individual.

4. The District Magistrate will be requested to modify his circular of January 17, 1901, so as to bring it into accordance with the High Court circular of October 18, 1899.

5. We do not think the last paragraph of the High Court circular precludes a Magistrate, in an exceptional case, from exercising his discretion by allowing a private vakil of good character to appear in a case. With these remarks we refer the petition to the District Magistrate for disposal.

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