

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.6.2005

CORAM:

THE HONOURABLE MR.JUSTICE P.D.DINAKARAN

W.P.No.29024 of 2004
and WP.M.P.No.35251 of 2004

....

M.Kalaiarasi

.... Petitioner.

vs.

1. The Registrar General,
High Court of Madras,
Chennai-104
2. Gunasekaran,M.
Acting as District Munsif,
Kallakurichi, Villupuram Dist.
3. Thiyagarajan,
Acting as VI Asst. Judge,
City Civil Court, Chennai.

.... Respondents.

WP filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus as stated therein.

For petitioner : Ms. P.Rajeswari
For respondents : No appearance.

....
ORDER

Heard Ms.P.Rajeswari, learned counsel for the petitioner.

2. The petitioner is the wife of second respondent herein, who is a Judicial Officer. Alleging that an ex parte decree for divorce in H.M.O.P.No.103 of 2001 on the file of Sub Court, Tiruppur was passed, contrary to the provisions of law, by the third respondent herein in collusion with the second respondent, the petitioner made a representation to the first respondent to take appropriate departmental action against the respondents 2 and 3, pointing out that the respondents 2 and 3, being Judicial Officers, are expected to

discharge their duty fairly and according to judicial conscience. Seeking necessary action on the representation so filed, the petitioner has filed this writ petition.

3. A Judicial Officer should be conscientious, studious, comprehensive, courteous, patient, punctual, just, impartial, fearless of public glamour, regardless of public praise and indifferent to private, political or partisan influences. He should not deviate from the right path and fall to the evil designs of others. The behaviour of Judicial Officer is the bastion for the people to reap the fruits of the democracy, liberty and justice and the antithesis rocks the bottom of the rule of law. Judicial Office is a public trust. The society is, therefore, entitled to expect that a judge must be a man of high integrity, honesty and required to have moral vigour, ethical firmness and impervious to corrupt or venial influences. Any conduct which tends to undermine public confidence in the integrity and impartiality of the court would be deleterious to the efficacy of judicial process.

4. Learned counsel for the petitioner submits that the said ex parte decree has been set aside and the O.P. is now pending. If that be so, except to observe that the first respondent shall take appropriate departmental action against the respondents 2 and 3 on the representation made by the petitioner, of course after giving a reasonable opportunity to the respondents, no further orders are necessary.

5. The writ petition is disposed of accordingly. No costs. Connected WP.M.P. is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Registrar General,
High Court of Madras,
Chennai-104

+1cc to Mr.P.Rajeswari Advocate SR 26889

SSV (CO)

km/7.7.

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