

Date : 27.06.2024

Dear members of the Bar,


I have completed seven years as Judge of the Madras High Court today. It has been my fortune to serve in the Madurai Bench throughout this period. When I completed two years, I released my performance report. It did generate ripples. Most of my colleagues as well as seniors did not relish it. But I do not regret having come out with that score card. In my view, all holders of public office including Judges ought to be held accountable and Judges also have to be judged on the basis of their performance. Recently, a senior Judge of the District judiciary was shown the door because his performance was dismal. What is sauce for the goose is sauce for the gander also. Likewise, the parameters of conduct and performance that are applicable to District judiciary must equally apply to members of the higher judiciary also. Since I hold on to the said principle, I deem it appropriate to disclose the disposal details as on date. I have so far cleared 64798 cases in these seven years. Justice K.Chandru, former Judge of the Madras High Court, has cleared 95607 cases. He served for six years and eight months. I used to feel bad that even though I had served for seven years, I was far below the score reached by Justice K.Chandru. I called for information and I have been informed that this figure included 48063 miscellaneous cases. The number of main cases disposed of by Mr.Justice K.Chandru are 47544 (36977 cases in the principal seat and 10567 sitting in the Madurai Bench). If like Justice K.Chandru, I include my miscellaneous disposals, the grand total will come to 1,03,685 cases. I believe that the disposal of main cases alone should matter. One should not flaunt the figure of miscellaneous disposals. They give a misleading picture to the general public.

I have no desire to boast. Mark Twain popularized the phrase “lies, damned lies and statistics”. Many of my orders could be routine ones. They could be in standard templates. Recently, I came across a judgment of Justice N.Seshasayee dealing with the interplay between Insolvency and Bankruptcy Code and Electricity Act, 2003. It runs to 72 pages and deals with every leading decision rendered by the Hon'ble Supreme Court on IBC. I felt that this single judgment of my brother Judge is equal to one thousand orders passed by me. That is why, I give the break-up also.

Principal Seat - Madras High Court
Statement showing the Number of Cases Disposed by
Hon'ble Mr Justice G.R. SWAMINATHAN
from 28/06/2017 to 26/06/2024

Nature of Cases	DIVISION BENCH	SINGLE	TOTAL
<u>Main Cases</u>			
CIVIL MISC. APPEAL	9		9
CIVIL MISC. SECOND APPEAL		1	1
CIVIL REVISION PETITION		1	1
WRIT APPEAL	14		14
ORIGINAL SIDE APPEAL	6		6
WRIT PETITION	78	235	313
CROSS OBJECTION	1		1
CRIMINAL ORIGINAL PETITION		402	402
CRIMINAL APPEAL		50	50
CRIMINAL REVISION CASES		9	9
HABEAS CORPUS PETITION	14		14
TOTAL (MAIN)	122	698	820
<u>Misc. Cases</u>			
TOTAL (MISC)	163	451	614
GRAND TOTAL	285	1149	1434

Most Respectfully Submitted

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27/06/24 27/06/2024
So

MADRAS BENCH OF MADRAS HIGH COURT
THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

CATEGORY WISE DISPOSALS FOR THE PERIOD FROM 28.06.2017 TO 26.06.2024

YEARWISE DISPOSALS	WA	REV.APL	CONT P	WP	AS	CMA	CMSA	CRP	SA	X.OBJ	CONT A	HCP	CRL A	CRL OP	CRL RC	TOTAL	MISC CASES	GRAND TOTAL
FROM 28.06.2017	481	13	81	1937	-	903		50	9	35	1	5	3	57	7	3582	3508	7090
2018	25	33	758	4116	-	21	47	1737	2	-	-	6	7	5442		12194	8059	20253
2019	28	52	470	5148	-	2	7	20	-	-	-	14	405	5248	600	11994	4400	16394
2020	2	41	184	3746	-	-	-	1	2	-	-	-	48	4501	170	8695	3775	12470
2021	1	14	165	2284	102	-	-	36	677	6	-	-	5	2276	1	5567	3896	9463
2022	1	34	408	5337	3			3	386	1				852		7025	5368	12393
2023	8	51	553	10169				3				18		4		10806	6623	17429
2024		18	246	3781										2		4047	2615	6662
TOTAL	546	256	2865	36518	105	926	54	1850	1076	42	1	43	468	18382	778	63910	38244	102154

MOST RESPECTFULLY SUBMITTED

(Signature)
28/6/2024

(Signature)
28/6/2024

A judge dealing with bails and anticipatory bails can run like a horse. One having writ roster can run like a bull. Those dealing with civil cases are in different league altogether. The nature of cases will determine the speed of disposal.

I do have certain dreams as to how I am going to spend the remaining six years on the bench. Of course, nothing is in our hands. Along with me, five others took oath on 28.06.2017. One of us (Justice P.D.Audikesavalu) suffered a serious health breakdown and he is now in ICU. We are all earnestly praying for his speedy recovery and return. Even though we are conscious of the uncertainties of life, we still plan. I cannot be an exception. It is for this reason, I make this appeal to the lawyers practicing before me.

Two cases that came before me last week seriously troubled my conscience. In one case, there was an egregious suppression of material facts. The necessary party was not even impleaded. Any Judge has to decide based on what is on record before him/her. Some are gifted with an Extra Sensory Perception. They have an intuitive approach. If something is fishy, they are able to smell it. I am not endowed with such special skill. I don't want to look at every litigant or lawyer with suspicion in every case. I am afraid that will pervert my character. I want to trust the members of my bar. I want them to do a thorough check before filing the pleadings or making submissions. They must do what is known as due diligence. Lawyers are not hawking their wares in a bus stand or railway station where there is floating population. The consumer may be a one time buyer. The vendor may not have to deal with the customer ever again. The relationship between the Judge and the lawyer is different. They have

to see each others' faces on a daily basis. If a lawyer loses the trust of the Judge, his career may be in peril. Judges also talk among themselves. If a lawyer cheats me in the court, I am bound to lament or complain to some Judge who is close to me. He will in turn convey it to his friends during casual conversations. Forget this career interest. It is your responsibility to ensure that I don't give a wrong judgment. You must take care that I do not err on facts or law. These days court proceedings are live-streamed. Due to digital reporting, every order is on record. If I goof up, I become a laughing stock. I am sure you don't want me to face ridicule. I therefore request you to bear this in mind and conduct yourselves accordingly. Almost all of you will not do it deliberately but I want you to take extreme care. You might have heard of the famous American surgeon Atul Gawande. One of his books "The Checklist Manifesto" emphasizes that every professional must have a catalogue of do's and don't's. You must ask the litigant some standard questions- have you filed cases earlier? If the answer is yes, you must confirm that it was not for the same cause of action. You must ask if there are rival parties and objectors. If the answer is yes, you must obtain further details and implead them. You must find out what are the adverse materials. You must ensure that all the relevant and material facts are placed before the court. Your aim must be to be a good lawyer rather than a smart lawyer. I believe in the concept of Pavam and Punyam. If I am misled by you and I render a wrong judgment, my sin figure will go up.

In the other case, I had to eat my own words. The petitioner filed a writ petition for directing the District Collector to consider his representation. In General Miscellaneous roster, many cases are under this category. I would look at the law officer and ask him who should pass order and how much time he

wants. I will not go into the merits. The case will be disposed of in less than two or three minutes. I had passed such an order some two months back. Pursuant to my direction to consider, the Collector passed an order of cancellation and the aggrieved individual came before me. In fact, the Collector had put the person concerned on notice and only thereafter passed the order. When the second round was argued before me, I realized that the District Collector had no jurisdiction to pass that order. Ironically, I had rendered a decision on the very same point earlier. The Madhya Pradesh High Court had also taken the same view some years back. The law officer in the first round should have pointed out that though the prayer is innocuous and the direction is only for consideration, the District Collector has no jurisdiction even to consider. My own order should have been brought to my notice. Because it was not done, I directed the Collector to pass an order and after the good lady passed an order of cancellation, I cancelled her order saying she had no power. What will she think of me?. I can very well imagine her thoughts. If I put it on record, that would be downright contemptuous. You may ask me when I did not remember my own order, how can I expect the law officer to do so. Friends, Judges are entitled to assistance and deserve to be forgiven if they suffer from occasional bouts of amnesia. Due to sheer workload, they can only adjudicate and decide based on what is placed before them. Judges like me decide everything in open court. The entire dictation from the first para to the last is made in open court. It is the lawyer who has to pore over the files carefully, do thorough research, look up for every relevant precedent and present before the court the facts and the law correctly and accurately. I don't wish to put the entire burden on the law officers. The petitioners' counsel should also double check on the maintainability on the prayers before arguing in the court.

I have one more request. Recently, it appeared in the social media as if I had bad-mouthed the railways. This went rather viral. The language was colorful. It read that I spat fire. Judges cannot retaliate. They cannot jump into the public arena and hit back. They have to stomach several things. Media cannot put words into my mouth. May be the bar members can set the record straight in such cases. They can write letters to the editor or the Youtuber or the blogger concerned. Very occasionally they can pass resolutions!.

Let me end on a personal note. My moral failings continue to haunt me. One of them is losing temper. At least two counsel fall victim every day. I hope to turn a new leaf from tomorrow. When I give my farewell address, I hope to say with pride that from my eight year I have not hurt a single counsel in my court. Shri.N.G.R.Prasad, the firebrand lawyer and who was one of my icons in my student days, shared the video of the legendary Judge Justice M.N.Venkatachaliah, former CJI. His Lordship recounts an incident in one of the District courts in Karnataka. The judicial officer shouted at a counsel. Justice Venkatachaliah says such behavior is not appropriate. The lawyer always stands tall in the eyes of his client. The Judge has no right to bring down the lawyer in the esteem of his client. It may cost the counsel substantially. The client may take the brief away erroneously thinking that his lawyer is persona non grata with the judge. The litigants may not know that the Judge's outburst is only temporary and it will not have any bearing on the outcome of the case. Spouses shout at each other but that does not lead to divorce. In my court, I was very harsh towards a young counsel. This was by my own standards. I need not add my threshold is very high. I called him and apologized sincerely in my chamber. He laughed and said "Lordship, please scold me more as all of us know you will

then bend backwards to give us a good order, if not in that case at least in future cases”.

There are challenges. One has to balance. I am focussing more on matters that are listed before me for admission. In the process, the old matters tend to get stuck. The bar has to discuss and come out with suggestions. You may have specific issues. Some order copies might not have been issued at all. Even though the judgment was pronounced months back. I might have forgotten to sign the order. Once a bunch of Second Appeal judgements were so badly drafted by a stenographer that I did not feel like correcting them for several several months. Thank god she is now in the Principal seat and I have been spared of her services. Since our Hon'ble Chief Justice of India has devised a system and we are reminded of our backlog, I was forced to clear them. The counsel concerned can freely lodge the complaint with my Personal Secretary and they can rest assured that the needful would be done. I would love to render at least one reportable judgment every week. I also want to contribute to march of law. I want to learn from you. It is from you I can gain knowledge. I seek your cooperation.

So friends, with your best wishes, I enter my eight year. Ma.Aranganathan is a well known Tamil literary figure. Our Hon'ble Acting Chief Justice Mr.Justice R.Mahadevan is his son. One of his short stories is “Siddhi”. It is about an athlete whose only passion is running. Running for the sake of it. His eyes were not set on winning laurels. Running was its own reward. I want to emulate that character. May my remaining years on the bench be full of such idealism.

Yours faithfully, Justice G.R.Swaminathan