



TAMIL NADU STATE JUDICIAL ACADEMY

Professional Development Programme-I for Civil Judges (Batch-III)

10.09.2022 and 11.09.2022

Programme Report



The Professional Development Programme commenced with Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy throwing light on the Scope and Object of the Programme. He briefly explained the topics that were to be discussed in the two-day Professional Development Programme and their importance and relevance. He also gave an overview of Negotiable Instruments Act.

He reiterated for speedy disposal of cases to reduce the pendency.

The First session was on the topic "Speedy disposal of cases under Section 138 of Negotiable Instruments Act" by Mr. N. Kothandaraj, Chief Metropolitan Magistrate, Egmore and Mr. R.A.S. Anandaraj, Deputy Director, TNSJA



Headquarters, Chennai. He explained the procedures to be followed in the trial of summary cases. He also explained Section 138 of N.I. Act with related provisions of law. He told the participants that, the Court can impose imprisonment in default of payment of Compensation.



Mr. R.A.S. Anandaraj, Deputy Director, TNSJA Headquarters, Chennai, while dealing with cases under 138 NI Act said that, the cheque should have been issued for discharge, in whole or in part, of any debt or other liability. He referred to various provisions under the Act and also discussed several important case laws. He emphasized that evidence of complainant to be given on affidavit and it shall be used as evidence in any enquiry, trial or other proceedings. He also clarified the participants doubts.



After a short coffee break, the session on “Speedy disposal of cases under Section 138 of Negotiable Instruments Act” concluded with the doubts of the participants being clarified by the resource persons.



The next session was on the topic "Verification of Stamp Papers – Find the fake and Accused persons surrendering before other Jurisdictional Magistrates" by Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy. He firstly spoke about the rampant usage of fake stamp papers. In order to control the fake stamps, he said that, judges shall urge the advocates and litigants to use e-stamps instead of the old stamp papers.

The resource also insisted that the participants must be very careful while accepting and remanding the accused persons surrendering before the non-jurisdictional magistrates and the participants need to write a detailed explanation and also mention under which ground the accused may surrender. Further, he mentioned the grounds for accepting the surrender before other Jurisdictional Magistrates.

In the post lunch session, Mr. A. Muralikrishna Anandan III Metropolitan Magistrate, George Town, dealt with the topic "Proclamation Proceedings against Absconding Accused & Recording of Evidence u/s. 299 Cr.P.C". He elucidated that if the accused does not appear in the Court even after the issuance of warrant of arrest, then the Magistrate can compel the presence of the accused by issuing proclamation. He



explained the conditions to be fulfilled before issuing proclamation. He further said that the trial proceedings should be conducted in presence of the accused and he shall be given fair opportunity to defend himself. He also said that the evidence u/s.299 can be recorded by the court which is competent to try or commit for trial.



11.09.2022

On the second day of the Professional Development Programme, the first session was on the topic "Interlocutory Applications: Management & Expeditious Disposal" which was handled by Mr. S. Thiruvengadam, Advocate, High Court of Madras. He said that Interlocutory Applications in



most cases are filed as for numbering the suit and is also used as a delaying tactic. He then said that, for granting temporary injunction petitioner has to establish that he has a legal right and there is invasion of such right. He also reiterated that; the judicial officers must be careful in granting injunctions based on the Interlocutory Applications. Further, he said that the object of granting an interim injunction is to

preserve the subject matter pending the trial. Even a mandatory injunction can be granted on an interlocutory application but such power should be exercised by the Court sparingly and with great care and caution. He also said the discretion in granting or refusing injunction must be exercised judicially and not arbitrarily.



The next session was on the topic "Suits relating to Cancellation and Setting aside of Documents and Decrees" was handled by Ms. M. Suba Anbumani, Presiding Officer, Labour Court, Cuddalore. Firstly, she spoke on the jurisdiction under

Sec.39 and moved to Sec.40 where, the plaintiff must value the suit under the Tamil Nadu Court-Fees and Suits Valuation Act. Further she said that if in a suit a document is cancelled then it is the duty of the court to inform the same to the concerned Sub-Registrar's Office, with the copy of the decree within three days from the preparation of the decree in whose office the instrument has been registered. The resource person also clarified the doubts asked by the participants and the programme came to an end with a discussion.



The Professional Development Programme concluded with some of the participants sharing their feedback and take-home message.
