

**Volume 16**

**November 2004**

**Part 8**

## Fact File

Chief Justice Nauvdiip Kumar Sodhi, who assumed office on November 19, 2004 was born at Lahore on November 29, 1943. He completed his education in Chandigarh. After securing degree in Law he was enrolled as an Advocate in 1967 practising in Civil, Constitutional, Labour, Company, Tax and Transport Laws. He was practising before P & H High Court as well as Supreme court. Besides he was also an active member of P & H High Court Bar Association.

Justice Sodhi was appointed as a Judge of the Punjab & Haryana High Court on March 15, 1991. During November 2003 he was transferred to Kerala High Court and on April 5, 2004 he was elevated as the Chief Justice of the same High Court. Chief Justice Sodhi filled the vacancy caused by the retirement of Chief Justice N.K. Jain.

## Lahari Advocates Forum

Lahari Advocates Forum has decided to observe December 3, 2004 as Advocates Day in co-operation with other organisations of Advocates. As per the press release of the Forum, blood donation, eye pledging, wearing of specially designed flags, exhibition of rare artefacts, distribution of fruits in hospitals, releasing of a special edition of *communique* and a valedictory function comprising a speech by Mr. Justice M F Saldanha, retired Judge of the Karnataka High Court cultural events are included as part of the Advocates Day celebration.

## Vacations-2005

Courts in Karnataka will have vacations as follows:-

### Summer Vacation

18-4-05 to 22-5-05 bdi

### Dasara Vacation

10-10-05 to 14-10-05 bdi

### Winter Vacation

26-12-05 to 31-12-05 bdi

## KSBC Seminar

Karnataka State Bar Council organised a National level seminar at Dr. B.S. Jirge Auditorium, JNMC Campus, Nehru Nagar, Belgaum on 27-11-2004. The topic of the seminar was in the matter of disciplinary jurisdiction over Advocates by Bar Councils or Courts? Sri N. Dharamsingh Hon'ble Chief Minister of Karnataka, inaugurated the seminar. Sri K. Venkatapathy, Hon'ble Minister of State Law & Justice, Govt. of India was the Chief guest. Sri Anil G. Mulwadmath, Chairman KSBC, presided. S/S Jaganath Patnaik, Chairman, Bar Council of India, Prabhakar Kore, MLC and Chairman KLE Society, Belgaum, Jayakumar S. Patil, Senior Advocate, Former Chairman & member, KSBC, C.R. Patil, Vice-Chairman KSBC, A.R. Patil, Member, KSBC and S.S. Kivadasannavar, President, Belgaum Bar Association were the guests of honour. The speakers included S/S K. Parasaran, Former attorney General of India & senior Advocate, Sharad S. Javali, Senior Advocate, K.N. Bhat, Former Addl. Solicitor General of India & Senior Advocate, Shinish Gupte, former Addl. solicitor General of India & Senior Advocate, S.R. Bhosale, Chairman, Maharashtra, Supreme Court Advocates on record Association, Mohan Katarki, Advocate, Prof V. Nagaraj, IBA-CLE Executive Faculty NLSIU, Bangalore, K. Subbarao, Senior Advocate, K. Kasturi, Senior Advocate, S.P. Shankar, Senior Advocate Uday Holla, Senior Advocate, Jayakumar S. Patil, Senior Advocate, A.K. Kotrashetty, Advocate and S.M. Kulkarni, Advocates, Sri S.K. Kharventham, M.P., delivered the concluding remarks.

## Jurists Commission

Karnataka (India) Section International Commission of Jurists has elected the following office bearers for the year 2004-05; President: Mr. Justice V.S. Malimath, Vice-President: Mr. P.G. Gouri Kuranga, Mr. K. Kasturi, Hon. Secretary: Mr.M.G. Rukmini Devi, Treasures: Ms. Zareena Zafurulla, Members: Mr. Justice A.M. Farooq, Mr. A.N. Jayaram, Senior Advocate, Mr. P A C Chengappa, Mr. K.P. Kumar, Senior Advocate, Mr. R.I.D'sa, Mr. Naik, Mr. M.P. Eswarappa, Senior Advocate, Mr. Ravi Malimath and Mr. Sudesh Y Pai.

## Warning against mobile phones

In an incident on 22-11-04 in the first court when the mobile phone of an advocate started ringing the Chief Justice N.K. Sodhi, warned the Advocate and litigants against the use of mobile phones in the court premises. Taking serious exceptions to the use of mobile phones in the court premises the Chief Justice gave oral directions to the Advocate to refrain from using the mobile phone inside the court as otherwise act on has to be taken. Interestingly a mobile phone belonging to another Advocate started ringing minutes after this warning. Immediately the court officer was instructed to seize the mobile phone of that Advocate. However, later the mobile was returned to the Advocate with oral instructions.

## News Letter released

During August 2004 Indian Federation of Women Lawyers, Karnataka Branch, started publication of a quarterly news letter for circulation among its members. Ms. Prabha Murthy, is the editor of the news letter.



## Around the Courts

### Criminal Law :

□ **Sec. 197 Cr.PC-grant of permission by the Governor to prosecute a Minister for an illegal act even after the council of Ministers had refused such permission-valid.**

A five judge bench of the apex court comprising Mr. Justice N. Santosh Hegde, Mr. Justice S.N. Variava, Mr. Justice B.P. Singh, Mr. Justice H.K. Sema and Mr. Justice S.B. Sinha, in a significant judgement delivered on 5-11-2004 upheld the validity of Madhya Pradesh Governor's order sanctioning prosecution of the former M.P. Ministers Rajendra Kumar Singh and Bishau Ram Yadav who had illegally allowed relief of 7.5 acres of land illegally to its earlier owners even though the land had been acquired by Indore Development Authority for formation of a layout. Overruling the contention of the Ministers that the Governor could not act contrary to the "aid and advice" of the council of Ministers, the court held that "If the Governor cannot act in his own discretion. there would be complete breakdown of the rule of law as much as it would be open for governments to refuse sanction in spite of over whelming material showing that a prima facie case was made out." In his separate Judgement Mr. Justice Variava observed that "Democracy itself will be at stake if the Government refuses to accord sanction for prosecution.... it would then lead to a situation where people in power may break law with impunity safe in knowledge that they will not be prosecuted as the rejustice sanction (for prosecution) will not be granted". After striking down the order of

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## Regional Conference

On 7-11-2004 Karnataka Federation of Women Lawyers (KFWL) organised a Regional Conference of women lawyers at Shimoga. Mr. Justice N. Kumar, Judge, High Court of Karnataka, inaugurated the conference. Mr. V.R. Shriyannavar, District and sessions Judge, Shimoga, Mr. K. Basappa Gowda, President, Advocates Association, Shimoga were the guests of honour and Mr. Mir Aziz Ahmed, MLC, Shimoga was the chief guest.

Mr. Justice S.R. Nayak, Acting Chief Justice, High Court of Karnataka, had delivered the valedictory address. Mr. A T Belliappa, Member, Karnataka State Bar Council was the Chief guest at the function.

## News Panorama

When the separated parents of a 5 year old Italian boy could not agree in whose house he should stay in a vacation, the judge settled the dispute by tossing a coin - "I did it in the interest of the child", Judge Agnoli said. The mother who won the toss and the boy went with her.

## Kolar Diary

On 7.11.2004 Lok Adalath and Legal Services week was inaugurated at Vemgal by Mr. Mahipal Desai, President, District Legal Services Authority and the Principal District & sessions Judge, Kolar. Sri. Bisappa Gowda, President, District Advocates Association, Kolar, Presided. The programme was jointly organised by the Kolar District Legal Services Authority, Kolar District Advocates Assn., Vemgal Gram Panchayath and Vemgal police.

On 8-11-2004 legal literacy programme and Legal services Authority week was inaugurated at Shapur by Mr. Mahipal Desai, President District Legal Services Authority and the Principal District & Sessions Judge, Kolar. Sri Bisappa Gowda, President, District Advocates Association, Kolar presided. Kolar District Legal services Authority Kolar District Advocates Association, Rotary Club of Kolar and Shahpur Grampanchayath had jointly organised the programme.

## Accommodation Available

Office accommodation available at Yeshwantpur and Nelamangala town contact : Mr. Mohammed Althaff, Advocate Ph : 26741922, 22914879

Office accommodation measuring 4 x 4 at Sreenagar Contact:

Ms. Pushpavathi, Advocate Mobile : 93410-82228.



## Around the Country

Mr. Justice Markandey Katju, has been appointed as the Chief Justice of Madras High Court. Prior to this appointment Justice Katju was functioning as a judge of Allahabad High Court, Justice Katju replaces Mr. Justice B. Subashan Reddy, who has been transferred as the Chief Justice of Kerala High Court.

A division bench of the apex court comprising Mr. Justice B.N. Agarwal, Justice A.K. Mathur, found S. Janardhan Rao, a Sessions Judge of Hyderabad, guilty of accepting Rs. 3 Lakhs in September 1996 for acquitting an accused and sentenced him to rigorous imprisonment for three years with fine.

On September 6, 2004 a woman under trial gave birth to a baby at Jaipur Central Jail. She has been in the jail for the past three years. IGP (Jail) Mr. J.K. Sharma has ordered an investigation in the matter to ascertain the circumstances including the laxity of the jail authorities or involvement of the jail official, if any, as the department is facing embarrassment following the delivery of a baby in the jail.

## Justice Jain Speaks

*Excerpts of former Chief Justice N.K. Jain's interview to media subsequent to his retirement.*

**Q: The Mysore resort case was the most sensational matter you were called upon to handle.....**

**A:** I was on transit to Hong-Kong to play my role as umpire for an international badminton championship. As soon as the news broke out I asked the DGP to file a report by that evening and brought the same to the notice of chief Justice of India B.N. Kirpal and then Justice G.B. Pattanayak. I set up a committee and I got a report from the district Judge. Later, I issued a notice to public - it was unprecedented asking any one who has any material on the incident, to pass it on to us. There were 34 complaints but no concrete material, many were anonymous. I submitted all of them to CJI who later setup a committee of three Judges to give a report.

**Q: According to you, did the incident happen or not?**

**A:** It is a difficult question to answer. But I can say I did my best although, I did not make any recommendations to the CJI.

## Does Satyapal's case require reconsideration?

*From last issue*

*- R. Vijayakumar, Advocate*

22. The Hon'ble Supreme Court of India arrived at this view, after considering the entire gamut of the provisions relating to the filing of the written statement and counter claim. Whatever was said as regards the filing of the counter claim was equally applicable to the filing of written statement. The rationale behind the said view is not far to seek. Inasmuch as the discretionary power of the Court to receive the written statement was recognized. I sincerely feel that the courts' power to receive the written statement is not completely shut by the legislature.

23. However, this decision was unfortunately not brought to the notice of the Division Bench deciding SatyaPal's case. Though the said decision cannot be said to be a binding precedent under Article 141 of the Constitution of India, nonetheless, the observations could be understood as obiter dicta of the Hon'ble Supreme Court. In this view of the matter, if Satyapal's case were to hold the field, it may result in denial of defence being filed in meritorious cases, which would be irreversible, notwithstanding an appeal provided for against the judgment and decree of the trial court, as no substantial question would be involved in such appeals.

24. It is also of significance to notice that certain duties are cast upon the Courts to frame issue within a time frame work, delivering judgment and the like. Experience has shown that for so very many reasons the time within which they are required to be done is not done. It looks as though those provisions are treated by the Courts to be 'directory' and not mandatory; in spite of the legislature using the word 'shall' so far as 'their performance by the courts. Judged by the very same standard, the provision of Order VIII Rule 1 requiring filing of written statement within 90 days should be held to be directory and not mandatory.

25. In my humble view, the decisions, which hold that, notwithstanding the expiry of 90 days, the discretionary power of the Court in accepting the written statement appears to be more just, reasonable and justice oriented in the context of the ground realities prevailing in our

country, which is well known for people who are downtrodden, poor, illiterates and without legal awareness. In most of the cases, the litigants would not have money to approach a lawyer and seek legal advice. There may be cases where there would be a need for securing documents in order to meet the case of the plaintiff. Securing documents in such cases from public authorities may consume lot of time. There are varied factors, which may contribute for such delay. It may not be possible to visualize them. They are just illustrative and not exhaustive. It is paradoxical that whereas, the plaintiff would have the opportunity of utilizing the maximum time allocated to him under the Limitation Act, the defendant will have to file his defence within 30 days from the date of service of summons, with an additional 60 days grace time, but at the mercy of the Court. I am not for a moment suggesting the defendant should be given the same time as the one taken by the plaintiff, but the Court should have to strike a just balance, in the facts and circumstances of the case. As observed and held in Purushotham's case, the Court can always accept the written statement, if sufficient reasons are assigned for the delay in filing the same. This is somewhat akin to the power of the Courts under Section 5 of the Limitation Act. Though the object of the time limit prescribed for filing the written statement is a laudable one, but in my humble opinion, to say that by non-filing of the written statement belatedly, there is a delay in disposal of the suit, may not be wholly correct. There are very many other factors that contribute for such delay. Some of the reasons for the delay in disposal of the suits are that the courts seldom frame issues as required under the amended provisions, passing of the judgment in matters, disposal of interlocutory applications and other related matters, may be for reasons beyond its control. The delay on account of the above factors cannot be attributed to the litigants. I feel that when all these factors are taken into consideration, some discretion should be given to the Court to accept the written statement filed beyond the period of 90 days.

to be contd.



## Spring Season in Japan - A travelogue

V.P. Kedilaya, Advocate

For a month, during spring season, Sakura Festival is celebrated in and around Indian Embassy in Tokyo. Sakura trees and plants are remain leaves-less till spring season which starts by March last week. In the spring season all the plants and trees of sakura variety will blossom with its grey and white flowers without leaves to be seen for a month. The temperature is 0 degree to 10 degree. It is unbearable cold. In spite of wearing 2 sweaters one cannot bear the cold. There are small shops and canteens of Indian Women full of Idlis, Dosas, Rotis, Chapathis, etc., sold for 1000 to 1500 yens. The flowered plants of sakura are stretched on both sides of a stream to a length of one kilometer besides Indian Embassy Building. The ladies wear sarees, kumkum on their forehead to welcome not only Indians, but also Japanese, Chinese and Koreans.

Japan is costliest country in the world. Coffee or tea in a small bottle will cost around 150 yens (say Rs. 60/-) For 6 bananas one has to pay 500 yens and 4 sweet limes cost 300 yens. 3/4 litre Milk costs 300 yens. If you enter into a train or a bus the minimum fare is 130 yens.

There are trains running one in three minutes and halting at a distance of 1 or 2 kilometers in and around Tokyo. Nowhere you can find thrown papers or eatables throughout Japan. Everyone will carry a bag in which they will put personal wastages and empty them in garbage boxes, meant for bottles, papers and plastic separately, kept in almost all public places. There are 12 sub-way lines of trains apart from railway tracks on the surface of the earth and highways, which are at a height of about 70 to 80 feet from the earth. The trains are kept so clean, no urine or human wastes are thrown on the track, but they are stored in the trains itself. During winter season, there is an arrangement to keep the trains hot by heaters burning below the seats. Trains do not start without closing automatic doors. Long distance trains have not 4 to 5 bogies with unreserved compartments both for smokers and non-smokers separately. Japanese long distance trains run at a speed of 225 to 250 kms per hour. There are numerous tunnels and longest tunnel takes about 6 minutes to pass in that speed. Even workers while

smoking cigarettes hold a small pocket and drop ash into it, instead of throwing it here and there.

### Disney Sea :

Most interesting items are Port Discovery, Arabian Coast, Megmaid Lagoon, American Water Front, Mediterranean Harbour, In Port Discovery, one will have thrilling experience of rough sea and storm in ship voyage. In mermaid lagoon, we will feel that we will be dying while passing in their vehicle, in the darkness in between volcano thunderous sound and jumping of our vehicles from a mountain. In Mediterranean harbour, the adventures life of world travelers and business people move from one country to another and enjoy countess of various kings in the various part of the world, that too when the visitors are taken in the boats floating in a running water.

### Tobu, World square :

Here you can see numerous wonders of the world. The leaning tower of pisa, Notre Dam, Cathedral Peace Palace, Seared family church, Tajmahal, the Great Wall of China, Tokyo Tower, Versailles Palace are some of those wonders. At the entrance, one can find dancing toys to the music every hour for few minutes. There are about 100 Zones of modern Japan, America Zone, Egypt zone, Asia Zone, Japan Zone. The miniature models are shown in such a fine manner that I doubt whether one can enjoy the original structures, if we visit the actual places like Buckingham Palace, Pyramids, Emperor Palace, U.N.O., In front of world TABU's Buckingham palace, one can enjoy real march fast with the background of band music, If we put the prescribed yen coin into a slot in front of the structure. Children can enjoy with sound and music on the spot by putting yen coins in the box kept for operation, in front of the miniature models.

### Tokyo Tower :

Admission fee for adults is 1,500/- yens for college students it is 1,000/- yens and for children below 4 years cost is 500/- yens. It has Tokyo sky Deck, Mori Art Museum, Mori Art Center. One can enjoy the real night beauty of the city at a height of 150 meters and 250 meters of Tokyo Tower, the top of which is at a height of 333 meters from the bottom.

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## The Bangalore Principles of Judicial Conduct

from last issue

4. The Bangalore Draft was widely disseminated among judges of both common law and civil law systems and discussed at several judicial conferences. In June 2002, it was reviewed by the Working Party of the Consultative Council of European Judges (CCJE-GT), comprising Vice-President Gerhard Reissner of the Austrian Association of Judges, Judge Robert Fremr of the High Court in the Czech Republic, President Alain Lacabarrats of the Cour d'Appel de Paris in France, Judge Otto Mallmann of the Federal Administrative Court of Germany, Magistrate Raffaele Sabato of Italy, Judge Virgilijus of the Lithuanian Court of Appeal, Premier Conseiller Jean-Claude Wiwinius of the Cour d'Appel of Luxembourg, Juge Conseiller Orlando Afonso of the Court of Appeal of Portugal, Justice Dusan Ogrizek of the Supreme Court of Slovenia, President Johan Hirschfeldt of the Svea Court of Appeal in Sweden, and Lord Justice Mance of the United Kingdom. On the initiative of the American Bar Association, the Bangalore Draft was translated into the national Languages, and reviewed by judges, of the Central and Eastern European countries; in particular, of Bosnia-Herzegovina, Bulgaria, Croatia, Kosovo, Romania, Serbia and Slovakia.

5. The Bangalore Draft was revised in the light of the comments received from CCJE-GT and others referred to above; Opinion N.1 (2001) of CCJE on standard concerning the independence of the judiciary; the draft Opinion of CCJE on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality; and by reference to more recent codes of judicial conduct including the Guide to Judicial Conduct published by the Council of Chief Justices of Australia in June 2002, the Model Rules of Conduct for Judges of the Baltic States, the Code of Judicial Ethics for Judges of the People's Republic of China, and the Code of Judicial Ethics of the Macedonian Judges Association.

6. The revised Bangalore Draft was placed before a Round Table Meeting of Chief Justices (or their representatives) from the civil law system, held in the Peace Palace in The Hague, Netherlands, in November 2002, with judge Weeramantry presiding. Those participating were judge Vladimir de Freitas of the Federal

Court of Egypt (assisted by Justice Dr. Adel Omar Sherif), Conseillère Christine Chanut of the Cour de Cassation of France, President Genaro David Gongora Pimentel of the Suprema Corte de Justicia de la Nación of Mexico, President Mario Mangaza of the Supreme Court of Mozambique, President Pim Haak of the Hoge Raad der Nederlanden, Justice Trond Dolva of the Supreme Court of Norway, and Chief Justice Hilario Davide of the Supreme Court of the Philippines (assisted by Justice Reynato S. Puno). Also participating in one session were the following Judges of the International Court of Justice: Judge Raymond Ranjeva (Madagascar), Judge Geza Herczegh (Hungary), Judge Carl-August Fleischhauer (Germany), Judge Abdul G. Koroma (Sierra Leone), Judge Rosalyn Higgins (United Kingdom), Judge Francisco Rezek (Brazil), Judge Nabil Elaraby (Egypt), and Ad-Hoc Judge Thomas Frank (USA). The UN Special Rapporteur was in attendance. The Bangalore Principles of Judicial Conduct was the product of this meeting.

(to be contd.)

## Meeting Notice

Members of Lahari Advocates Forum are hereby notified that the Annual General Meeting of the Forum is scheduled to be held on Friday, the 11th day of February 2005. The election of new office bearers for the years 2005-07 will also be held on the same day. Agenda for the AGM as follows :

1. Consideration & adoption of the Secretary's report for the years 2003-04.
2. Consideration & adoption of the audited accounts for the period 2003-04.
3. Election of office-bearers for the year 2005-07.
4. Adoption of resolutions, if any.
5. Any other subject with the permission of the President.

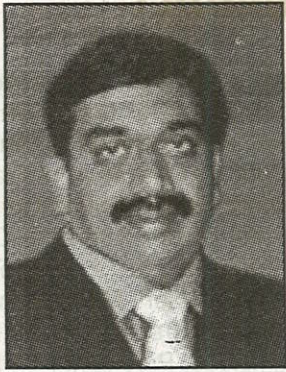
**Note :** Members desirous of moving resolutions are requested to forward the draft resolutions on or before 31.1.05.

Sd/-

Bangalore **S N Prashanth Chandra**  
Dated 30.11.04 Secretary



## Congratulations



On November 10, 2004 Mr. C.S. Dwarakanath, Advocate, was declared to have been awarded Doctor of Literature (D.Lit) degree by the Kannada University, Hampi, in the faculty of Social Science. Dr. Dwarakanath Submitted his thesis on Kaiwara Narayanappa: *Ondu Adhyayana*, Lahari Advocate forum congratulates Dr. Dwarakanath on his achievement.

## Well Done



Ms. M. Jyoti, Advocate, practising with M/s. Tarakram Associates, recently won three gold and one silver medals in the I National Masters Aquatic Championship-2004 sponsored by the swimming Federation of India. The competition were organised by the Karnataka Swimming Association at Sadashivanagar swimming pool between 27th and 28th November 2004. Lahari Advocates Forum congratulates Ms. Jyoti on her achievement.

## Weddings

We are gold to report that :

□ On 28-11-2004 Ms. Nisha, Advocate, Married Mr. Pradeep at Bangalore. Ms. Nisha is the daughter of Mr. Justice S.R. Nayak, Judge, High Court of Karnataka.

□ On 28-11-2004 Mr. S. Harish, Advocate, married Ms. N. Chandrakala at Bangalore.



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## Around the Courts

the council of Ministers the court paved the way for prosecution of the former Ministers.

### Sales Tax Law :

□ **Levy of sales Tax by Andhra Pradesh Sales Tax Act on the computer software as "goods" validity upheld.**

A five judge bench of the apex court comprising Mr. Justice N. Santhosh Hegde, Mr. Justice S.N. Variava, Mr. Justice B.P. Sinha upheld the Judgment of the AP High Court upholding the levy of Sales Tax on computer software. In a Judgment dated 5-11-2004 rejecting the contention of the Tata Consultancy Services (TCS) that software was nothing but knowledge and hence could not be categorised as goods. The court held that this ruling will be applicable only to "off-the shelf" software and not the "customised" ones. It is to be noted that 90% of the software sales amount for the customised category. The contention of the AP Government was that off-the shelf software cannot be treated as "Knowledge" making it liable for sales Tax. The court observed in support of its judgment that when a person goes to buy a CD he or she is not paying for the mere CD but also for the software contained in it.

### Contempt Law :

□ **Sec. 18 of the Contempt of Courts Act-validity of an order of a single Judge-invalid.**

A bench of the apex Court comprising Mr. Justice V.N. Agarwal and Mr. Justice H.K. Sema, recently set aside an order of the Chairman of MRTP commission sentencing a man to undergo imprisonment of one month. The apex court after explaining the scope of sec. 18 of the Contempt of Courts Act held that the proceeding should have been heard by the chairman alongwith another member or should have been assigned to any two members.

*Editor's note: This ruling is important in the sense that contempt proceedings will have to be undertaken only by a two member bench and not a single judge.*

### Educational Law

□ **Sec.13 of the Medical Council of India (MCI) Act-validity upheld.**

A division bench of the apex court comprising Chief Justice R.C. Lahoti, Mr. Justice Ashok Bhan and Mr. Justice G.P. Mathur held in a judgement dated 16-11-2004 that the medical degree holders from abroad must clear a screening test before being allowed to practice in India. While rejecting a large number of petitions filed by Doctors who got

## Legal Precedents

• **AIR 2003 All 214 Dr. P.K. Tomar V. Smt. Archana**

Sec. 13 (1-A) (ii) of the Hindu Marriage Act, 1955. The ground that there has been no restitution of conjugal rights, after a decree was passed to that effect-husband cannot seek divorce before lapse of one year from the date of the decree.

Sec 13(1) (i-b) of the Hindu Marriage Act, 1955 ; Wife employed in Meerut and husband was resident of Delhi - wife not ready to live with husband - suit was filed by the wife only to create evidence for future litigation husband entitled to divorce.

Sec 13(1) (i-a) of Hindu Marriage Act, 1955 wife not ready to live with husband not ready to live with husband not even visiting his house when was at travelling distance of only two hours lodging FIR against the husband under Ss 498-A, 323 and 506 IPC- such conduct of wife amounts to mental cruelty and husband entitled to decree of divorce.

• **Karnataka Appellate Tribunal, Bangalore Applied No. 365/2004 DD 30-11-2004 HP Shettar V.K. Eswaraswamy & others.**

Sec. 7 (3) of the Karnataka Rights to Information Act; The Co-operative Development Officer is directed to furnish the documents sought for by the Appellant failing within the definition of 'information' under Sec. 2 b of Karnataka Right to Information Act and with regard to the documents which are not covered under Sec. 2b an endorsement to be issued to the Appellant. With regard to the documents which are not available with the second Respondent but available in another office intimation under Sec. 5 (2) of the Karnataka Right to information Act, to be given to the Appellant.

## Advocates Day

Under the joint auspices of Advocates Association Bangalore, Bangalore Advocates Literary Union and Bangalore Advocates Co-operative Society Ltd., Law Day and Advocates Day was observed on 26-11-2004 at the city auditorium of AAB. Mr. Justice V. Gopala Gowda and Mr. Justice S.R. Bannurmath, Judges of the High Court of Karnataka, spoke on the occasion. Mr. D.L. Jagadeesh, President of AAB presided.

## Foreign Tours

□ On 17-11-2004 Mr. S.V. Srinath, Advocate returned to Bangalore after 6 weeks tour of Dubai & USA.

□ On 20-11-2004 Mr. Bharathi Nagesh, Advocate, Left Bangalore for six weeks tour of USA.

□ Mr. Madhava Raja Rao and his family returned to Bangalore on 12-11-04 after six weeks tour of Japan and Singapore.

## Obituary

We report, will regret, that :

On 1-11-2004 Justice (Rtd) H.G. Balakrishna, passed away at Bangalore.

their degrees from medical colleges in CIS countries the court upheld the contention of the MCI that a test held by it as per the guidelines approved by the Ministry of Health must be passed by the foreign degree holders intending to practise as doctors in India.

## Miscellany

□ Under the joint auspices of the International Centre for Alternate Dispute Resolution (ICADR) Regional Centre, Bangalore and Karnataka Public Works Department a training programme for PWD Engineers on Arbitration and conciliation was held at Bangalore on 24 and 25 November 2004. The speakers included Mr. C.R. Sundaresh, Asst. Secretary, ICADR, Regional Centre, Bangalore, Prof. O.V. Nandimath of NLSIU, Mr. Pramod Nair of Dua Associates, Bangalore, Mr. Justice N. Kumar, Judge, High Court of Karnataka, Dr. Nagaraj and C.G. Krishnamurthy of NLSIU.

□ Mr. S. Shankaranarayana and Mr. H.R. Shankaranarayana, S. Nithyananda Advocates from Bangalore and Pramod Nayak, Advocate from Gulbarga attended the training camp organised by Swadeshi Jagaran Manch at Coimbatore, held between 5-7, November 2004.

□ Mr. S.S. Naganand, Senior Advocate from Bangalore, opened, his new Law Chamber at C-70, Neeti Bagh, New Delhi - 110 049 on 5-11-2004.

□ Mr. C.N. Ramaswamy Sastry, Mr. Channappa E. Kotre, Mr. M. RamaKrishna, Mr. K.G.C. Prabhu, Mr. N.S. Satyanarayana Gupta, Mr. S. Srinivasa Murthy, Mr. S.N. Keshavamurthy and Mr. K. Suryanarayana Rao, Advocates from Bangalore visited Tirumala-Thirupathi on 9th and 10th November 2004.