

Law and Laughter

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[The image of a High Court Judge in the mind of common man is one of solemn grimness. But it is only a half truth. The judge is as much a human being as anybody else, possessing innate sense of humour, giving rise to repartees between the Bench and the Bar, which break the monotony of an otherwise dull and dreary atmosphere of a court room. The proceedings in courts are often replete with wit and humour, which indicate the human aspect of the Judge's personality.]

I am indebted to my friends, particularly to brother S. K. Verma and Dr. B. Malik, as well as to the late Mr. Surendra Nath Verma, and Messrs. H. K. Ghose, Ambika Prasad, Gopal Behari, and Brij Bhan Kishore, Advocates, as also to Professor O. P. Bhatnagar of the Allahabad University," for supplementing a fund of anecdotes and repartees relating to the past members of the Bench and the Bar. Evidently, the dust of decades has settled on them; and it may be that they do not excite enough mirth and laughter now. But, for this I am not wholly to blame; as it is difficult to capture in cold print the full effect of a humorous situation which occurred in the past in a peculiar setting and background. Its appreciation also depends upon the mood and fancy of the reader at the moment. Not that there is any dearth of wit and humour with the present generation of Judges and Lawyers; but I have refrained from referring to them for obvious reasons. Here are some of the stories and incidents, which occurred in the High Court at Allahabad, the Judicial Commissioner's Court and Chief Court at Lucknow, the Hoard of Revenue and some of the subordinate courts in U. P. But, before relating them, I want the readers to consider a few interesting remarks of some eminent persons and institutions regarding lawyers and legal profession.]

QUOTATIONS

(Taken from the article of Mr. Justice S. S. Dhawan on "The Role of the Bar and the Judiciary in the Democratic State", printed elsewhere in this Volume)

(i) Dick- "first thing we do let us kill all the lawyers."

Jack Cade: "Nay, that I mean to do."

--Shakespeare, Henry' IV.

(ii) "Not a profession but a conspiracy."

--Bernard Shaw.

(iii) "Moghul justice had a silver lining: it had no lawyers."

-- Dr. Beni Prasad (in his book on Jehangir).

(iv) "They are nothing but Leeches."

--Napoleon on lawyers.

(v) "Sir, I do not care to speak ill of any man behind his back, but I believe the gentleman is an attorney."

--Dr. Johnson.

(vi) "The role of the lawyer in economic and social development in the United States has been generally negative and even obstructionist."

--Article in the journal of the International

Commission of jurists.

(vii) "The leading lawyer" of today are extremely skilled technicians in the service of economic groups. The complete commercialisation of the American bar has stripped it of any special functions it might have performed for individuals without wealth."

--Encyclopedia of Social Sciences.

(viii) "No foreign exchange will be sanctioned for studies abroad in un-important subjects like tailoring and law."

--Official Communique published by the Ministry of Finance, Government of India.

ANECDOTES AND REPORTEES

1. A Criminal Revision arising out of a gambling case from Benares was being argued before Mr. Justice Louis Stuart. The question involved in the revision was whether the Benares Court had territorial jurisdiction to try the case, the defence being that the gambling was going on in a beat just beyond the midstream of Ganga, towards the Benares State. Stuart, J. sent for the Gazette to find out whether the boundary of Benares district extended up to the other bank of Ganga or only up to the midstream. From the Gazette it transpired that it extended only up to the midstream. After looking at the notification with discomfiture, he passed on the Gazette to the applicant's counsel and asked him to see who was the Officer who had fixed the boundary in this manner. The counsel looked at it and stood mum. Thereupon Stuart, J., pointing to himself, said, "It was this idiot who had so fixed the boundary when he was a Joint Magistrate at Benares".

2. Even in 1923 it was discovered that the arrears were mounting in the High Court. In order to find out some means to curb the arrears a Judges' meeting was called, wherein Mr. Justice Stunt had remarked that as a broom of the Court, he could clear all the arrears. Months rolled by, but the arrears remained where they were. One day, Chief Justice Sir Grimwood Mears said to Stuart, J., I think, brother, you have lost your broom-stick." Prompt came the reply-UNO, Chief, it is not lost; it has only become rotten and I propose to replace it with a new one."

3. Sir Shah Mohammad Sulaiman was a talking Judge. Once Sir Tej Bahadur Sapru was arguing a case before him and was not free when wanted in Chief Justice's Court, before a Bench consisting of Sir Grimwood Mears, C. J. and Mr. Justice Sen. The Chief Justice asked Sir Charles Alston, who happened to be present in his Court, "Do you know where Sir Tej is" Out came the sarcastic reply-"My Lord, he is listening to Sir Shah Mohammad Sulaiman in the adjoining Court room".

4. Mr. Sarkar Bahadur Johri was arguing an appeal before Lindsay and Sulaiman, JJ., with somewhat unusual zeal. Lindsay, J., asked Mr. Johri, "What is your interest in the case?" Sulaiman, J., interjected, "Twenty-five Rupees." Mr. Johri replied, "No my Lords, it is more than that. It is thirty-two."

5. Once Sri Panna Lal was arguing a substitution application before Mr. Justice Dalal. Sri Ramnama Prasad, who had a very bulky body, was sitting to oppose it. After hearing Sri Panna Lal, Dalal, J., looked round and enquired "Any objection?" But, no reply came, so the application was allowed. After a little while, Sri Ramnama Prasad stood up and submitted, "My Lord, I have got serious objections. The date of death is wrong and the heirs are many more". "What were you doing when I was dictating the order" shouted the Judge. Before Sri Ramnama Prasad could reply, Sri Kapildeo Malviya, who was sitting by his side, said, "My Lord, all the while my learned friend had been struggling with his chair to get up and oppose the application, but he simply could not". Thereupon Justice Dalal remarked, "As you were struggling hard with your chair, my previous order stands canceled and you are allowed to substantiate your allegations within three weeks". Sri Ramnama Prasad then meekly said, "My Lord, this bulky body has proved to be an extenuating circumstance in my favour on several other occasions."

6. Mr. Balmukand Brahmachari, then a new entrant to the High Court Bar, was arguing a revision for admission before Dalal, J. He mispronounced the word 'possession' as 'pujeson.' Dalal, J., said, "I hope you mean possession?" Mr. Brahmchari, "Yes, my Lord, pujeson." Dalal, J., thereupon ordered, "Revision dismissed. Court tried to correct counsel's pronunciation; but he persisted in mispronouncing the word as 'pujeson'."

7. Mr. Satish Chandra Gupta, who was a new comer to the High Court, was arguing a Second Appeal before Boys, J., who asked him, "Where have you taken this point in the grounds of appeal" Mr. Gupta replied, "Your Lordship has got the memorandum of appeal before you." Boys, J. waded through the grounds and found that the point was taken. He then asked, "Was there any issue on this points?" Mr. Gupta said, "Has your Lordship not got the trial court judgment. It contains all the issues- framed in the case:" Boys, J., perused the trial court's judgment and found the issue. The Judge finally asked, "Mr. Gupta, where is this point dealt with in the judgment of the lower appellate court" Mr. Gupta replied, "I have filed a certified copy of the judgment of the District Judge, and your Lordship may be pleased to look into it." The judge said in exasperation, "This will do Mr. Gupta, this will do; you may better resume your seat."

8. Mr. Justice Boys, while at the Bar, had brought out a Commentary on the Code of Criminal Procedure and always used to refer to that book from the Bench. A case was being argued before him involving interpretation of a certain section and, as soon as Boys, J. took up his Commentary, the counsel, conscious of a hostile passage in the Judge's book, exclaimed, "My Lord, I would like to refer to another Commentary, which, on this point, gives a different interpretation. Your Lordship's views are already too well-known."

9. Sir Tej Bahadur Sapru was arguing a First Appeal before Rachhpal Singh and Bajpai, JJ. He first referred to Comyn's Digest which was printed in old English. After struggling with the book, Rachhpal Singh, J., who had a weak eye-sight, passed it on to Bajpai, J., whose knowledge of old English literature was remarkable. Sir Tej then cited Russel's Law of Arbitration and then Hogg on Arbitration, which were all perused by Bajpai, J. Finally, Sir Tej referred to Bacon's Abridgment, whereupon Bajpai, J. remarked, "This is surely meant for my brother Singh." Sir Tej promptly replied, "There are portions which both of Your Lordships will enjoy". This is a reported case, Ganga Dhar vs. Inder Singh, 1938 A. L. J. 113-A. I. R. 1938 All. 195.

10. Sir Wazir Hasan was arguing an appeal before Chief Justice Sir Shah Sulaiman and Bennet, J. He made a mistake in the calculation of mesne profits, and was instantly corrected by Bennet, J., who interjected, "When I came out to India I little thought that I shall have to teach elementary arithmetic to the members of the Bar." Sir Wazir promptly retorted, "I am obliged to your Lordship for correcting my figures; but when we teach your Lordship a little law, your Lordship should not mind teaching us a little arithmetic."

11. When, before the same Bench, Sir Wazir was arguing a difficult point of law, Bennet, J. put to him a question in the form of a dilemma, which apparently seemed to clinch the issue, and the Bench forced him to answer it. Prompt came the reply from Sir Wazir "My argument carrying a heavy load of authorities is proceeding slowly on one track, and your Lordship's mind is travelling with lightning rapidity in the opposite direction upon a parallel line, unencumbered with the weight of decided cases; there being no meeting point, no answer is possible." Sir Wazir then proceeded with his arguments without any further interruption.

12. T. N. Mulla and York, JJ. sat, for a considerable time, on the Capital Bench. Mulla, J. had the habit of waiving his right hand to and fro while commenting upon the arguments of the counsel. As Sir Wazir pleaded that no case was made out against his client, Mulla, J., waiving his right hand in the usual manner} sarcastically observed, "Yes, Sir Wazir, your client is the most innocent man going on earth and must be awarded a gold medal for his misdeeds." Sir Wazir, though red in face, quietly took down his glasses, placed them in the case and, with mock seriousness, replied, "I can meet your Lordship's comments; but I have no answer to your Lordship's 'this'" (waiving his hand in the manner the Judge was wont to do). Saying so he sat down. There was hush and silence in the court for a few minutes; when York, J. broke the ice; "Sir Wazir, we were at page so and so of the paper book." Sir Wazir got up and resumed his argument uninterrupted by the Court.

13. Sir Walter Colvin, Bar-at-Law, was very tall, while Sir Charles Ross Alston was extremely short-statured. One day, in the Bar Library, Sir Walter jocularly remarked, "Charles, I feel like putting you in my pocket."

In came, the spirited reply, from Sir Charles "In that case, you shall have more law in your pocket than in your head."

14. A leading lawyer of Agra, the late Munshi Asharfilal, had been sentenced to pay a fine of Rs.50 under the Indian Railways Act for stopping the train by pulling the alarm chain when his hold all fell out of his compartment. Dr. N. P. Asthana moved a Criminal Revision on his behalf, before Mr. Justice Lindsay, who was not admitting it, as in his opinion no question of law was involved. While Dr. Asthan was still addressing the Court, Sir Charles happened to walk in and, taking care that his voice was loud enough to be heard by the Judge, prompted Dr. Asthana, "Don't you remember, Sir Henry Richards had also pulled the chain when his hat fell out of the window of his compartments" The next voice, Dr. Asthana heard, was that of Lindsay, J., "Admit. Issue notice."

15. Sir Charles Alston's clerk, Munshi Ram Lal, 'in later days, used to prepare 'brief notes and arguments' for him. Once Sir Charles was arguing a murder appeal before a Bench consisting of Mr. Justice Boys and another Judge. Boys, J. enquired, "How many eye-witnesses are there" Sir Charles looked into his notes and replied, "My Lord, there are six." Boys, J. saw the paper book and remarked, "Sir Charles, you are wrong. There are seven eye-witnesses." Sir Charles whirled round, looked at his clerk, who was standing behind as usual, and quipped, "Well, Manshi, (as he used to pronounce the word), how is it that Your note is wrong" The clerk politely replied, "No, Sir, it is not wrong. There were seven eyewitnesses in the court below but one was disbelieved. So there are only six now in this Court. And I am right". Sir Charles addressing the Court, said, "My Lord, my Manshi cannot be wrong."

16. Sir Sunder Lal was arguing a Second Appeal referred to a Full Bench of three Judges. He had some four dozen books on the table. Sir Charles happened to enter the Court room and, seeing the array of books, remarked, "Well, this must be your third innings in this petty Second Appeal for only RS.50 or so. Perhaps you have decided to cite one book for each rupee."

17. Justice Sir Cecil Walsh was a prolific writer. It was well-known that he was frequently writing articles for the Pioneer, particularly legal notes, under the pen name "A Barrister-at-Law". He had such a facile pen that he did most of his writing in Court, while hearing arguments. He would also dispose of his correspondence, quite heavy, similarly.

Sir Charles Ross Alston was once arguing a sensational murder appeal from Agra before a Bench composed of Sir Cecil Walsh and Mr. Justice Wallach. The appellants, who were butchers, had been sentenced to transportation for life.

Sir Charles was arguing the case with his characteristic force and vigour and the Court room was crowded to the capacity. At one stage Walsh, J., who was busy writing letters as usual, abruptly interrupted: "Sir Charles, I am surprised that you did not deal with an important part of the case", referring to a particular point.

"I did, My Lord. I addressed your Lordships on that point for several minutes", replied Sir Charles, "but your Lordship was busy writing letters." "I wish you had not said that", remarked the Judge.

"I wish Your Lordship knew all what the Bar says about you" retorted Sir Charles. Walsh, J. remained glum for some time. Before the end of the day, the hearing of the case was stopped and notices were issued why the sentences should not be enhanced to death.

18. In a letter to his daughter Rukmini, the Rt. Hon'ble Sir Srinivasa Sastri, who was once travelling with Sir Charles to England on board a ship, wrote of a day with him, thus: "This one day with a garrulous Barrister of Allahabad, Charles Ross Alston, who enquired of me-

'You do not eat meat?' 'No'.

'You do not drink wine?' 'No'.

'You do not smoke?' 'No'.

'You do not play bridge?' 'No'.

'You do not dance?' 'No'.

'You do not join the sports?' 'No'.

'You do not flirt with pretty women?' 'No'.

"Then, why the devil do you not throw yourself over board:" said Sir Charles.

With mock seriousness, Sir Srinivasa Sastri ended the letter saying, "If I were young, I should have profitted by this robust philosophy".

19. Sir Charles was once arguing a criminal revision for admission. The Judge, after perusing the judgment, remarked, "There is nothing in your case", to which Sir Charles promptly replied, "I know there is nothing". The Judge thereupon observed, "Why then did you file in" Pat came the reply from Sir Charles, "Because the client wanted Your Lordship's opinion and not mine".

20. Once, at the end of the day's argument Sir Charles's junior expressed the hope that the appeal would be allowed; but Sir Charles warned him not to pre-judge the result. Next day, when the Bench assembled, Sir Lal Gopal Mukerji, one of the Judges, who had read the record overnight, enquired of Sir Charles why a notice of enhancement of sentence should not be issued to his clients, naturally expecting that Sir Charles would ask for the usual fortnight's time to answer the notice. But Sir Charles, contrary to expectations, replied, "If my arguments of the previous day did not convince Your Lordship, they were not likely to do so a fortnight later and it was no use prolonging the agony".

21. A British Lieutenant, in-charge of the Ordnance Factory in the Fort at Allahabad, was prosecuted for certain illegalities alleged to have been committed by him. In those days, the trial of British nationals used to be held on the original side of the High Court, with the aid of Jury consisting of Englishmen. The case was heard by the Chief Justice, Sir Grimwood Mears. Apart from denial of the prosecution case, the Lieutenant had pleaded that his superior officer, who was responsible for his prosecution, had tried to be friendly with his wife and bore a grudge against him for his interference in the attempted intimacy. Sir Charles Ross Alston, who was appearing for the accused, vehemently cross-examined the superior officer on this part of the defence story. When the officer was leaving the witness-box, Sir Grimwood Mears apologised to him that he was not able to grant him protection from such offensive cross-examination. Sir Charles thereupon addressed the members of the Jury thus: "Gentlemen, you must completely ignore the remarks of the Chief Justice, which tend to prejudice the defence of my client. And so far as my own reputation is concerned, it is too well established to be affected by anything that any Chief Justice might say".

22. Once a difficult case was argued for days by various eminent counsel. They exhausted their ammunition, and defeat appeared imminent. In the midst of the case, a hurried conference of the counsel was called, and it was decided to persuade Mr. Narmadeshwar Upadhyaya to take up the thread and continue his arguments, so that the remaining counsel may have a little time to re-arrange the strategy of the legal battle. In walked Mr. Upadhyaya; and immediately after obtaining the permission of the Bench to address it, he planted his left knee on the table. At this Justice Bennet was mildly surprised and enquired from his colleague, who assured him that it was nothing serious, as the lawyer had a little trouble with his leg. .

Justice Bennet, who was known for his pungent humour, put a long question, and when no reply came, he repeated the same, and asked if he was clear. Mr. Upadhyaya replied, "My Lord, the first part of the question is clear, but not the second". The question was repeated; and prompt came the reply, "Neither the first nor the second part is clear now." Bennet, J. re-formulated the question, to which Mr. Upadhyaya replied, "The second part is quite clear, but I have forgotten the first part of the somewhat long and involved question." Bennet, J. then said in despair, "Let us go on with the case without trying to understand each other."

23. Another incident before the same Bench is worth recounting. It was a case under the Hindu Law, in which Mr. Narmadeshwar Upadhyaya was appearing for one of the parties. Bennet, J., addressing Upadhyaya, observed, "Mr. Mitakshara's view on this point is quite clear, but I do not know if you are aware of it". Mr. Upadhyaya retorted, "I am surprised, my Lord. Mitakshara is not the name of a gentleman. I mean. I mean...it is not a person. It is the name of a commentary on the Yagyavalk Smriti" .

24. Once, in the Court of Sir Cecil Walsh, Mr. Narmadeshwar Upadhyaya was arguing a point of Hindu Law, about which Sir Cecil showed some doubts. Mr. Upadhyaya very sorrowfully hung down his head and shaking it in despair said: "My Lord, I am a Brahman and an Upadhyaya at that, I should be deemed "to know at least the. Hindu law". This silenced the Judge.

25. Mr. Girdhari Lal Agarwala, who firmly adhered to the rule of never contradicting a Judge, was once arguing a second appeal, involving an intricate point of Law. The Judge was not agreeing with his submissions; but Mr. Girdhari Lal went on pressing his point, so much so that the Judge exhausted his patience and, with annoyance, remarked, "Do you consider me a fool "Yes, my Lord", came the prompt reply. Mr. Girdhari Lal, however, immediately realising the abnormality of the offence apologized.

26. Mr. Girdhari Lal Agarwala was arguing the case of an unscrupulous client before Tudball, J. who observed: "Mr. Agarwala, your client is thoroughly dishonest. I feel like giving him a sound beating." Mr. Agarwala, replied, "I am much obliged; Your Lordship is right. But my client happens to be healthy and robust. What will happen if the terms are inverted".

27. A First Appeal was being argued by Mr. Girdhari Lal Agarwala before Sir Cecil Walsh and Ryves, J. The question was whether a particular witness should be believed. Mr. Agarwala, among other arguments, harped repeatedly that the witness could not be expected to tell a lie as he was of an advanced age, approaching the grave. Sir Cecil Walsh, who was at the time in good humour, considering this argument as absurd, asked, "Mr. Agarwala, at what age does a man cease to tell a lie" "My Lords, I would put it at 60". This collapsed Sir Cecil Walsh, but Mr. Justice Ryves preferred to clarify and said, "Do you mean the age at which High Court judges retire -" Mr. Agarwala bowed, and submitted innocently: "That is so, my Lord."

28. Dr. Sachidanand Sinha shifted to Allahabad in 1896 and practised here for ever a decade before he went back to Bihar, where he attained great eminence at the Bar. He finally became the President of the Constituent Assembly, which drafted the Constitution of India.

Dr. Sachidanand Sinha was appearing in a Revenue Appeal before Mr. Dara, an ill-tempered and haughty, anti-Indian Commissioner of Allahabad. Dr. Sinha was for the respondent and the appellant was represented by Mr. R. K. Sorabji, Barrister-at-Law, who was well-known for being a Bara Sabib; and except for his complexion, he affected to be more English man any Englishman. As soon as the case was taken up, Mr. Sorabji started in a grand style, "May it please your Honour. Hardly had he said these words, Mr. Dara interrupted, "Adalat ki zuban Urdu hai". "But, Sir, everybody here understands English", protested Mr. Sorabji. "Adalat ki zuban Urdu hai", repeated Mr. Dara. "Sir, I am not accustomed to speaking Urdu", said Mr. Sorabji. "Adalat ki zuban Urdu hai", again said Mr. Dara. However, Mr. Sorabji persisted in arguing in English. Mr. Dara sank back in his chair with closed eyes. It is said the appellant had a good case and it did not take Mr. Sorabji long to conclude his arguments. As soon as he finished, Mr. Dara, turning to Dr. Sinha, asked, "Respondent ko kya kahna hai?" Dr. Sinha made a courteous bow in the oriental style and then submitted "Adadat roshan zamir hai. Is Adalat ke samne bahas karna Aftab ko cheragh dikbana hai-yeh ain gustakbi hogi. Mere layaq dost ne jo kuchh bahas ki hai, bilkul lagho hai. Sab waqyat misil men darj hain." He was stopped by Mr. Dara, who said, "Appeal dismissed. Tajviz bad men likhi jayegi." Dr. Sinha again made a similar bow and came out.

As soon as Dr. Sinha left the court room, Mr. Dara said to his Reader, "Bara ala khandan ka admi maloom hota hai. Iska pata daryaft karo." So, before Dr. Sinha got into his carriage, the Reader came running and told him that Commissioner Saheb had enquired about his residential address. Dr. Sinha accordingly handed over his visiting card to the Reader. To the astonishment of everybody, in the evening Mr. Dara drove into 7 Elgin Road in his landau and pair and Dr. Sinha entertained him with the finest drinks. These were' the

days when it was unthinkable that an English I. C. S. officer of the rank of a Commissioner would call on a 'native', even if he was a Barrister. Mr. Sorabji felt, so much hurt that he complained to his fellow barristers in the Bar Library that Dr. Sinha's conduct was unprofessional inasmuch as he had taken improper advantage of Mr. Dara's idiosyncrasy. Naturally no action was taken.

29. Dr. Sinha was arguing a criminal appeal from Budaun, arising out of a sensational riot case. It was heard by Sir Iqbal Ahmad and King, J. While Dr. Sinha was reading and commenting upon the statements of witnesses, King, J. enquired: "Mr. Sinha (as he then was), why was it put in the cross-examination to most of the witnesses whether they were indebted to true complainant."

"Does not Your Lordship remember Polonius's advice to Lareus. Neither a borrower nor a lender be, for one kills husbandry, and the other loseth the friend."

"I quite see now. Thank you very much, Mr. Sinha", replied King, J., who was visibly delighted by the literary flash of Dr. Sinha. The appeal was allowed.

30. Dr. Sachidanani Sinha's hospitality was unsurpassed. It was so well known that once, when Sri Brij Narain Curtu, while still a law student, failed to give an answer to a question in the law class, put by Professor Dwarka Nath Banerji, (the distinguished father of the more distinguished Mr. Pyare Lal Banerji) he sarcastically remarked, "You will not learn your law here.. You will learn it in Sinha's Restaurant."

31. Once, at Dr. Sinha's place, one of the guests at the dinner table was Rai Bahadur Madan Mohan, who was then U. P.'s Director of Industries. Next to him was sitting Mr. Kumuda Prasad, the well-known criminal lawyer. Mr. Madan Mohan was dieting those days, so he was provided a single dish a full plate of boiled vegetables "with plenty of green salads with" white sauce at the top. Amused by the enormous quantity of leafy vegetables and salad served for Rai Bahadur Madan Mohan, Mr. Kumuda Prasad, quietly asked: "Youngman, what are you eating" "I am dieting these days", replied, Mr. Madan Mohan. Thereupon, Mr. Kumuda Prasad remarked: "Madan, have you been consulting some veterinary surgeons of late?"

There was naturally a roar of laughter.

32. In his time Mr. Satya Charan Mukerjee was the undisputed leader, among the Indian members of the High Court Bar, on the criminal side. There was a criminal revision from Mathura in which a young man had been convicted for an attempted misconduct with a girl and given a fairly long sentence of imprisonment. It was listed before Mr. Justice Stuart, not an easy Judge to manage. When the case was called out, Stuart, J., asked, "What is the case about?" Mr. Mukerjee submitted, "My Lord, the applicant before Your Lordship is a young man, hailing from Mathura; and he has done nothing more, nothing less than what Lord Krishna used to do near about that very place on the banks of the Jamuna". Stuart, J. stopped him and said, "That would do, that would do. Tell me how much has he already done?" He had been in jail for a couple of months. A brief judgment followed, reducing the sentence to the period already undergone.

33. Mr. Satya Charan Mukerjee could enjoy jokes at his own cost and he would often repeat them. He had an unusually huge body, so much so that the Pioneer, once reporting his Congress speech, described him as the 'double-chinned lawyer from Allahabad'. When Mr. Moncref Smith, LC.S., (later Sir Moncref Smith of the Government of India) was District and Sessions Judge of Faizabad, Satya Babu was appearing before him from day to day in a famous sessions trial, known as the Ajodhya riot case.

Mr. Mukerjee was staying in the Dak Bungalow. One day he forgot to carry his gown to the court, and discovered the omission on reaching there, Of course he was wearing a black coat. He quietly took a less prominent seat in the court room, and meanwhile arrangement had been made to fetch the gown. However, before the gown could arrive, the Judge put him some question, so he had to get up to answer the same. While standing up, he apologized to the Court, "Your Honour will be pleased to excuse my improper dress. My gown has been left behind in the Dak Bungalow and I am getting it in a few minutes." The Judge replied, "Mr. Mukerjee, that is all right. Indeed, until you mentioned it, I had not noticed that you were without a gown, for what

is a coat to you is a gown to us all."

34. Once, Satya Babu was returning after the day's work from Etah to Kasganj in a hackney carriage to catch the train for Allahabad, there being no railway service for Etah at that time. On the dark and lonely road, his carriage was stopped by dacoits. They tried to pull him out of the carriage and rob him. Naturally Mr. Mukerjee resisted and it was with difficulty that he could only be pulled out partially. At once, one of the dacoits shouted, Leave him, leave him. He is our High Court lawyer. We owe our freedom to him." They apologised and the carriage was allowed to proceed.

35. In a case before Mr. G.C. Budhwar, I.C.S., District and Sessions Judge, Ghazipur, unexpectedly, a new point cropped up. Satya Babu came out with a number of rulings from memory. Mr. Budhwar, complimenting him, remarked that he was a walking digest. Mr. Mukerjee humbly replied, "Not I, your honour. The late Sir Sunder Lal was indeed a walking digest. It is true there were many points common between us. We both remembered the volume in which a case was reported, the page at which the report commenced, the year in which it was decided, and even the names of parties. There was only this difference between us that Sir Sunder Lal also knew what was decided in that ruling and that was precisely what I did not."

There was laughter in the court room, Mr. Budhwar saying, "No, n.o, Mr. Mukerjee, you are being extremely modest, rather unfair to yourself."

36. Mr. Shaila Nath Mukerjee was another leader of the Bar on -the criminal side. Once, the cause list in the court of Mr. Justice E. Bennett suddenly collapsed and his case was taken up most unexpectedly. He arrived there panting. He was a heavy bodied man. While apologising to the Court he enquired "How is it that the Criminal cases have been taken up so soon. Above them, there is a long list of civil cases. How have they all been passess over " The Judge replied, "In every case there is an illness slip. Is there an epidemic in the town, Mr. Mukerjee" enquired the Judge. "I am not aware of any, My Lord" said Mukerjee. "But I can guess that these lawyers must be suffering from what may be called 'Bennettophobia.' Does not your Lordship know that there are more illness slips in this Court than in all others "Bennett, J. assumed a grave look and proceeded with the case before him.

37. Once, in the month of May, Mr. Surendra Nath Varma and Mr. Shaila Nath Mukerjee, were appearing against each other in a case at Ghazipur. They travelled together by road in Mukerji's car. The weather was cloudy and pleasant. Shaila Nath, who was driving the car himself, stopped it on the Gomti bridge at Jaunpur. They both got down and stood for a while to enjoy the cool breeze. "Varma, it is my custom to halt here whenever I motor by this route," said Shaila Narh.

It was about 5 p.m., just the time when the litigants were returning from courts. An old bearded Mohammadao villager stopped there and, addressing Shaila Nath, said: "Barrister Saheb, Salaam. How has bazoor come this way?"

Shaila Nath whispered aside to Varma, "It appears I am pretty popular in this part of the world". "Yes, boss, why in this part alone; you are popular all over", replied Varma.

Not content with this much, Shaila Babu started cross-examining the villager :

Mukerji : "How do you know me old man ?"

Old Man-Sir, you are a big Barrister of Allahabad High Court. I have seen you there many a time".

Puffed up, Shaila Babu turned to Varma and said "Did'nt I tell you about my popularity in these parts!"

Not satisfied even with this, Shaila Babu went on to ask the old man "Can you tell my name?"

Old Man-"Who does not know you, Sir. You are Barrister Abu Alit This floored Shaila Nath completely, and his momentary elation was so deflated that he quickly retreated from the scene and started towards his car.

With a view to retrieving Shaila Nath's position, Varma told the old man: "This Sahib is Babu Shaila Nath Mukerji, a much bigger Barrister than an Abu Ali".

"*Hoi-ben*" (may be, I don't care), said the old man with a twitch of lips and walked away with his companions.

Varma then burst into laughter, Shaila Babu joining him mildly. On his return to Allahabad Mr. Varma gave currency to this story. It became impossible for Shaila Babu to pass through the corridors of the High Court or to stay in the Association room without being mobbed by friends over this delightful incident.

38. Mr. Shaila Nath Mukerji had a bulky body, but not as huge as that of Mr. Satya Charan Mukerji. In those days wrist watches were not in vogue. From the gold chain of Shaila Nath's pocket watch hung a pendent of the shape of a camel. Satya Babu was also sitting in the court waiting for his case. On being humorously questioned by the Judge why he did not prefer the figure of an elephant for his pendent, promptly came the reply from Shaila Nath; "It is out of deference to Satya Babu, for whom an elephant would be more befitting".

39. Once Mr. Shaila Nath Mukerji applied for the adjournment of all his cases for 10 days on the ground of illness in his family. Chief Justice Sir Grimwood Mears, however, adjourned them only for three days. Shaila Babu thereupon addressed a letter to His Lordship saying that he had asked for a longer adjournment not for his own convenience, but in the interest of the entire Court, as one of his children was suffering from chicken-pox and it was a terribly contagious disease. To everybody's astonishment, the Chief Justice ordered all his cases to stand adjourned for three weeks instead of ten days.

40. Mr. Justice Allsop, while always pleasant, courteous and smiling, was frequently sarcastic. He was once trying to impress upon Mr. Mushtaq Ahmad, later Mr. Justice Musthaq Ahmad, the distinction between a statement of fact and the fact itself. To bring home the point, he gave an illustration and said, "Mr. Mushtaq Ahmad, don't you see the distinction between the two: Supposing one says that Mr. Mushtaq Ahmad is a clever Advocate. There could be no doubt that it is a statement of fact, as distinguished from a fact, which may or may not be true."

41. There is a very well-known story of a Barrister, Mr. Sarbadhikari, who did not have much work. However, he used to argue with great zest and zeal when he managed to get a case. It was a dacoity appeal before Sir George Knox, who had the habit of dozing off in the midst of a case. This is how the learned counsel started his argument:

"My Lord, in the district of Banda there is a village S. and nearby there is a small jungle and dacoits gathered there, some coming from the east, some from the west, and the rest from the north and the south. Having collected there, they went to village S. and looted the house of a rich Baniya and came back again to the jungle, where they sat distributing the booty."

Meanwhile the judge dozed off. When Sir George shook off his slumber, he shouted, "Where are we, Mr. Sarbadhikari, where are we?" A polite and patient reply came from the counsel: "Still in the jungle of Banda, My Lord, sharing the booty."

42. One day the clock of the court had stopped and the Judge wanted to know the time. He asked the counsel appearing before him if he could tell the correct time. The counsel looked at the Court clock and replied. "Shut up, My Lord". One can well imagine the discomfiture of the Judge, for he did not repeat the question.

43. Mr. B. B. Chandra, Bar-at-Law, had the habit of partly turning his face from the Judge and looking aside, while addressing the Court. One day he was arguing a Criminal revision for admission before Justice Lalit Mohan Banerji. On the side wall of the Court Room hung the oil-painting of His Majesty, King George V. In the heat of arguments, Mr. Chandra, in his inimitable style, again turned his face towards the portrait. At the close of the case Justice Banerji dictated the following short order "Mr. Chandra, was addressing His Majesty the King all the time, rather than His Majesty's Judge. The revision is accordingly dismissed."

44. Being cross-examined by Pandit Moti Lal Nehru, a high Military officer, in spite of being warned by the Court, continued to object to the questions on the ground that they were irrelevant or unnecessary. The Military officer finally said to Pt. Moti Lal Nehru "Do you think me to be a fool". Pt. Moti Lal Nehru promptly replied "Of course not", and then quietly added, "But I may be mistaken".

45. On the strong recommendation of a Military Officer, whom he had saved from the jaws of a tiger, Salig Ram was appointed as Jamadar of Chief Justice Grimwood Mears. He became so favourite with the Chief Justice that when he died, the Chief Justice, on receiving the sad news, rose from the Court, ordered the bier to be brought to the Court compound, showered coins worth Rs.50 on the corpse and directed the Union Jack to be flown half-mast, followed by a reference in his Court room. The editorial note in the Leader read, "Crowned monarchs, batoned marshals, wise statesmen, darlings of society are not shown the honour that was shown to the Jamadar of the Chief Justice".

46. In the year 1905 Mr. Justice Burkitt was hearing a criminal revision which was being argued by Mr. Amiruddin. He opened the case thus: "My Lord, my client, R. adhey Mohan, is a very innocent man who could never dream of a crime much less commit one. Burkitt, J., "Irrelevant, Shut up Amiruddin, Ditto my Lord.

47. Mr. Jang Bahadur in early days of his practice filed an application for review in a second appeal decided by Sir John Stanley and Sir William Burkitt. Sir William was familiar with every branch of law but did not possess an affable temper and could not tolerate the idea of a review application. As soon as the advocate stood up he said, "How dare you file it? There is no ground for review". This came as a blow to the young advocate. Sir John Stanley at once assumed the reins and put it to the young counsel, "My dear boy, how many grounds have you taken~" "Seven My Lord", fumbled Mr. Jang Bahadur.

Sir John: "You don't mean to say that we have committed seven mistakes in deciding this small second appeal."

The Court rose with laughter, while the young lawyer sank in his seat and vowed never to file a review application again.

48. In the good old days, applications and ex parte motions were laid before a Judge who used to sit for this purpose for half an hour i.e. from 10 to 10-30 A.M. and then used to form a Bench. One day the Junior companion Judge came and took his seat to the left of the application Judge a few minutes before 10.30 A.M. At that time a technical point was being argued by Mr. Sarbadhikari, Bar-at Law, about which the application Judge was not quite clear, so he leaned to his companion Judge for guidance. Prompt came the remark from Sarbadhikari, addressing the Junior Judge:

"Your Lordship's jurisdiction to whisper words of wisdom into the ears of your learned brother does not arise before 10.30 A. M." Naturally enough both the Judges felt embarrassed but the counsel remained unperturbed.

49. One of the most outstanding Judges of the Allahabad High Court was Mr. Justice Mahmood, son of the illustrious Sir Syed Ahmad Khan. He was a Barrister, so after resigning from the Bench in 1894, he resumed his practice before the Judicial Commissioner's Court at Lucknow. Mahmood was fond of drinks. Once in a less sober mood, he appeared in Court and started arguing against his own client. On hearing his arguments, the client began to feel miserable. The Junior lawyer promptly pointed out the mistake to Mr. Mahmood, who, with great alacrity, shifted his ground and addressed the Judge thus: 'Sir, I have said all that my learned friend on the other side could have said on behalf of his client. I would now proceed to demolish these arguments'. With remarkable brilliance he shattered his previous arguments one by one and ultimately won the case.

50. Once, Sir Tej Bahadur Sapru was arguing a case involving title to a particular estate. Both the parties were Rajas. In the course of his arguments, Sir Tej several times referred to the term Bandi; (maid servant). Both the Judges were Englishmen. One of them asked, "Sir Tej, what is a Bandi" Sir Tej replied jocularly, "My Lord, Bandi is a stepney wheel in the bridal car of a Raja."

51. Sir Tej's house was the rendezvous of the leading men of the town as well as of numerous visitors from outside. Once, a friend's son, fresh from Oxford, went to see Sir Tej. Finding an old world atmosphere of extreme politeness, the young man said, "Babuji (as Sir Tej used to be affectionately addressed), I find there is overflowing politeness here, which looks so feudal. Instead of simple expressions, there is too much of formality (Takalluf), e.g. Aiye Tashreef Laiye, etc. (Please come, your gracious self)." Sir Tej jocularly remarked, "Yes, my dear youngman, I think, when you came, I should have said "Abe, aa baith ja" (come, Sirra, sit down).

52. Sir Shah Mohammad Sulaiman, while at the Bar, once appeared to oppose an appeal, which was time-barred. He did not argue at length but only pointed out that the appeal was barred by limitation. Instantly the case was decided in his favour. His uneducated client sitting behind was struck with awe. As soon as Sir Shah came out of the Court-room, the client rushed to him and said, "Saheb tum duin jaban boleo, par johare ugleo" Sir, you uttered only two words, but you emitted poison, which killed the adversary).

53. Mr. Peyary Lal Banerjee was appearing for the defendant in a case of infringement of copyright of a book on sex. The judge compared the two books and, finding that they appeared to be similar, remarked, "Mr. Banerjee, it seems to be a clear case of infringement, for example, the first chapter of the plaintiff's book deals with the male genital organ and so does the first chapter of the defendant's book." Mr. Banerjee promptly replied, "Does your Lordship expect a book on sex to begin with hands and feet".

54. Mr. Pyare Lal Banerji was arguing a criminal case before Mr. Justice Boys, who said " Mr. Banerji, you have no experience of life in jail as I have." Mr. Banerji replied, "Yes, My Lord, it has been denied to me as I have never been a convict." Boys, J. had a hearty laugh and said, "I too had never been a convict but I knew jail life as an official visitor.

55. Mr. Manuk a retired Judge of the Patna High Court was arguing a case before Justice Edward Bennett, who at one stage remarked, "Mr. Manuky if you had any experience of judicial work, you would have appreciated the point of view that I was taking." Mr. Pyare Lal Banerji who was appearing for the other side pointed out that Mr. Manuk had been a Judge of the Patna High Court for about twelve years.

56. It was the month of May. The Court-room was delightfully cool, with its 6 ceiling fans, 2 table fans on the dias and khas ki tattees, having automatic arrangement for sprinkling water. Mr. Pyare Lal Banerji was arguing there a First appeal before a Division Bench. At first one of the judges dozed off, and soon-after, the other started napping. Mr. Banerji seeing this predicamental situation, cried aloud, "My Lords! My Lords!" The judges shook off their slumber and enquired, "What is the matter, Mr. Banerji" Mr. Banerji quietly replied, "One at a time, My Lord, one at a tune".

57. Chief Justice Kamala Kanta Verma was very particular about correct pronunciation. The counsel appearing before him had the reputation of being religious-minded but he could not pronounce 'Sh' and went on saying 'Application', 'tradition', and so on. Every time, the advocate pronounced the sibilant) the Chief Justice winced. When he could not bear any more, he asked the advocate, "Do you believe in god Shiva" "Yes, my Lord", replied the Advocate. "Then", suggested the Chief Justice, you better recite 'Shiv Shambho, Shiv Shambho, Shiv Shambho' a hundred times every morning."

58. Mr. Justice Collister was hearing Civil revisions. In the last case on the list, Mr. K. C. Mittal was appearing for the applicant, while Mr. S. K. Verma (now Mr. Justice Verma) was appearing for the opposite party. None of the counsel expected that the case would reach so soon. However, the list collapsed and the Judge reached the bottom. On being informed about it, Mr. Verma rushed to the Court and apologized for being late. Mr. Justice Collister enquired from him "Where is Mr. Mittal, counsel for the applicant" Instantly Mr. Mittal burst into the Courtroom with fluttering gown and said, "I am sorry for my absence, My Lord".

Collister, J ." Mr. Mittal, you expect too much of indulgence from this Court".

Mr. Miual-"My Lord, I live upon your Lordship's indulgence".

Collister J .-" In that ease, your lifes going to be very short indeed".

59. Sir Tej Bahadur Sapro, while arguing cases, used to look round; and it was expected that all the lawyers present in Court would show their appreciation by nodding their heads.

One day, Sir Tej was arguing a First appeal, which was being opposed by Mr. B. Malik (later Chief Justice Malik). However, during the arguments of Sir Tej, he was also nodding his head, like all other lawyers present in Court. As soon as Sir Tej concluded his arguments, Alsop J. started dictating the judgment in his favour. This came as a surprise to Mr. Malik, who sprang up and said. (My Lords) I have not been heard in reply" Alsop J. remarked, "What could you possibly say now. When you were nodding your assent all the time to Sir Tej's arguments?" Prompt came the reply from Mr. Malik" My Lord, I was duty bound to do so out of deference for Sir Tej, but I have an unanswerable case." The Bench then heard Mr. Malik and dismissed Sir Tej's appeal.

60. Before Sir John Douglas Young, Dr. K. N. Katju was arguing an appeal of some college students, who had been convicted of rioting. Young, J. sarcastically remarked: "Dr. Katju, your clients seem to be young not only in age but, also in spirit."

Dr. Katju: "That is so, My Lord, they are not 'Young' only in name."

A short judgment followed, reducing the sentences to the period already undergone.

61. Dr. Surendra Nath Sen was known not only for his legal acumen but also for his profound knowledge of English literature. Once Sir Tej Bahadur Sapro was arguing an appeal before Sen J. At one stage his Lordship interjected a poetic quotation. Sir Tej stood quiet till the judge had finished his- recitation and then said, "My Lord, may I now resume my prose?"

62. Once Sir Ras Behari Ghosh was arguing the case of a Raja, who had dissipated his large estate and become heavily indebted. The Judges out of curiosity enquired of Sir Ras Behari, "Where has such a big estate gone?"

"My Lords, it has gone to fast women and slow horses," replied Sir Rai Behari.

63. The present building of Allahabad High Court was opened by His Excellency Lord Chelmsford, Viceroy and Governor-General of India, on November 27, 1916. Those were spacious days, when the long vacation used to be for ten weeks and other holidays were also quite liberal. The restriction of 210 working days for the High Court was never dreamt "of, though the High Court still sits five days in a week. Lord Chelmsford commenced his solemn inaugural address thus, "My Lords, yours is a strange world, indeed. Your year consists of five months, your week consists of five days and your day consists of five hours."

64. In the days of the Judicial Commissioners of Avadh, big Taluqedari cases were heard by senior members of the Judicial Service, who were appointed Special Judges for the purpose. One such case known as the Balrampur Raj case, was being tried by Mr. (later Sir) Sitta Prasad Bajpai, who secured extension of his service for completion of the trial. He was of overbearing temperament and often hard on juniors. A very senior member of the Bar, Mr. Nabiullah, was appearing for one of the parties. One day he reached the court late and found Mr. Bajpai taking his junior to task for delay in production of witnesses. Seeing the predicament of his junior, Mr. Nabiullah said, "Tut, Tut, what is this furore about?" The Judge thereupon remarked that the case was being prolonged by delay in production of witnesses. Mr. Nabiullah quietly' replied, "What is the worry; the delay helps everybody, the Judge, the lawyers and the pairokars". That quietened the Judge whose term of office was to expire with the end of the case.

65. Mr. A. P. Sen was once arguing a case before the Judicial Commissioner, and was being opposed by Mr. (later Sir) Wazir Hasan, then also a Member of the U. P. Legislative Council. The legislators were in those days styled 'Honourable'. Sir Wazir started interrupting and irritating Mr. Sen. When Mr. Sen could not stand it any longer, he sarcastically remarked, "There are people who become 'honourable' by going to Legislature while others really are. This silenced the legislator.

66. Mr. S. R. Daniels was forming a Bench with Pt. Kanhaya Lal. The former could not appreciate alternative arguments. Mr. H. K. Chose, then a young lawyer, was arguing a murder appeal before them. He first challenged the factum of the complicity of the accused-appellant and then put up the alternative case of his right of private defence. Mr. Daniels thereupon remarked, "This is wholly inconsistent. You are wasting my time". Mr. Chose retorted, "My time is more valuable, as time means money to me".

67. Mr. H. F. Evans, I.C.S., Judicial Commissioner, had the reputation of being a very slow Judge. Mr. Nabiullah, then a young lawyer was appearing before him in an appeal on behalf of an aged Hindu widow. Mr. Nabiullah opened the case, thus: "Sir, I am an old Hindu widow." Mr. Evans humorously remarked, "Mr. Nabiullah, surely, you have not changed your sex, religion and age for this case." The counsel rose to the occasion and retorted, "Sir, I do not know about other changes, but I will certainly get old by the time this case finishes."

68. Mr. Ross Scott, Judicial Commissioner, who was well-known for his overbearing demeanour in court and summary disposal of cases, had before him, a second Civil Appeal, filed by Mr. S. N. Roy, then a young lawyer. It was apparently concluded by findings of fact. As soon as the case was put up, Mr. Scott shouted, "How dare you file this second appeal, which is concluded by findings of fact?" The young man quietly (possibly trembling) stated, "What am I to do, Sir, this is my first brief" Mr. Scott cooled down and said, "Is that so? Admit. Let notice go."

69. In the early British days, some Indians aped Englishmen and, sometimes, in their conversation, became more English than the English themselves. British officials naturally did not like it. Mr. Rudra (popularly known as Mr. Rudder), a Barrister, had adopted the anglicized manner of speech. He was once appearing before an English I. C. S. Judicial Commissioner and addressed him as "Saar" instead of 'Sir'. The Judge resented the tone and said, "Why do you address me as 'Saar'. Thereupon Rudra retorted, "What else? Am I to address you as Lord, God, Almighty?"

70. Mr. (later Sir) Bisheshwar Nath, while arguing a case, was being harassed by Mr. Justice A. G. P. Pullan, I. C. S. The Judge contemptuously remarked, "Mr. Bisheshwar Nath, your arguments enter through one ear and pass out through the other, without making any impression". The Counsel retorted, "My Lord, it appears there is nothing in between to retain them".

71. Mr. Shakir Ali was arguing an appeal before Mr. G. H. Thomas, (afterwards Chief Judge Sir George Hector Thomas) who did not agree with Mr. Shakir Ali and tried to show the fallacy of his argument. They went on trying to convince each other. At last, Sir George lost his patience and said "Mr. Shakir Ali, either you are mad or I". Shakir Ali quietly replied, "I am sure, My Lord, I am not."

72. Mr. Mohd. Nasim (father of the ex-Advocate General Mohd. Wasim) was an accredited leader of the Lucknow Bar in his time. Mr. (later Sir) Wazir Hasan was working as his Junior. Mr. Nasim had suddenly to leave Lucknow in order to answer an out-station engagement and left the cases to be argued by his Junior Mr. Wazir Hasan. During Mr. Nasim's absence a case came up before Mr. (later Justice Sir) Louis Stuart, the then Judicial Commissioner of Avadh. In the absence of Mr. Nasim, Mr. Wazir Hasan did his best to convince the court, but Mr. Stuart did not seem to agree with his contentions. All this was being watched by the client, who was sitting on a bench at the end of the court room. He stood up from his seat with folded hands and caught the eye of the Judge. Mr. Stuart asked his Reader to call the man and enquire as to what he wanted to say. The man approached the court trembling and with folded hands said:

"Sarkar, Yi kaun insaf boy ki daam dun Arbin ke par payin sar gadaba."

"HINDI WORDS"

(Sir, what justice is this! I paid for an Arabian horse but got only a wretched ass in return).

Mr. Stuart had a hearty laugh and ordered the case to stand over till the return of Mr. Nasim.

73. A talluqacase was heard for several days in the Chief Court of Avadh by Sir Wazir Hasan. Sir Tej Bahadur Sapru was appearing for one of the parties. On the fourth day Sir Wazir Hasan jocularly remarked, "It is very unfair, Sir Tej. You are getting Rs.3,000 per day, while I am getting only Rs.100 odd for dealing with this very case." Sir Tej promptly replied, "My Lord, it is only a difference of three feet or so. You have just to cross the bar and earn Rs.3,000 a day." Sir Wazir naturally felt very complimented.

A few months later, in another talluqa case Mr. M. A. Jinnah appeared before Sir Wazir Hasan, which also lasted for several days. On the third day of the arguments, Sir Wazir Hasan repeated the same remark to Mr. Jinnah saying that he was getting Rs.3,000 a day, while he (the Judge) got only Rs.100 odd per day. Mr. Jinnah, who was a ready wit, at once replied, "My Lord, it may appear unfortunate, but everybody is paid according to his capacity." This completely collapsed Sir Wazir and he did not repeat the above remark to any other counsel in future.

74. In old days, the Board of Revenue was manned by English I. C. S. officers. One such officer, who was not quite conversant with Revenue law, was hearing a second appeal in which the question was whether the land in suit was 'Seer', which is spelt as 'Sir' both in the Rent and Revenue Acts. After prolonged arguments, the haughty English I. C. S., who could not reconcile himself to the idea of land being called Sir, wrote the following brief judgment, which has become a classic, "The question is Sir or no Sir. I am damned if the land is Sir."

75. This is about another English I. C. S. Member of the Board of Revenue, before whom, one day, a large number of cases were placed for disposal. When he came to court, he noticed a huge pile of briefs placed on his table. He divided them into three bundles without looking into the files. The first bundle was marked "allowed", the second "remanded" and the third, "dismissed".

76. Mr. H.C. Sen, Small Cause Court Judge, Lucknow did not believe in unnecessarily wasting paper and ink in writing detailed judgments. In a case, reported in the Avadh Law Journal, his judgment was: "Issues: 1, 2 and 3; Order: 1. Yes, 2. No, 3. Yes." The case came up in revision before Sir Benjamin Lindsey, the then Judicial Commissioner, who sent for the Judge and advised him to write proper judgments in future. Of course, the revision was allowed.

77. Mr. Mohd. Rafique (later Sir Mohd. Rafique) was a man of strong likes and dislikes. Mr. Arabi, Barrister-at-Law, was not liked by him. When Mr. Mohd. Rafique was the District Judge of Rae Bareilly, Mr. Arabi appeared in a case before him. While going to cite an authority, he held the Law Report lop-sided. Seeing this the Judge remarked, "Why are you holding the book lop-sided Mr, Arabi?" Prompt came the reply "Because the judgment is likely to be lop-sided."

78. In the year 1935, there was a communal riot at Agra, in which one Ghasi Ram was murdered. The Police handed over his corpse to Hindus, who took it to the burning ghat in a procession, passing through mohalla Chhatta. While doing so, some processionists were alleged to have murdered two Muslim boys. This gave rise to two cases, one against Hindus and the other against Muslims. Sir Raza Ali was briefed by the Muslims in the enquiry pending before an European Joint Magistrate. In the case against Hindus the defence examined Sri Krishna Dayal, Advocate, resident of mohalla Chhatta, through which the procession had passed. In his examination in-chief recorded in Urdu, Sri Krishna Dayal had stated that he was an M.A., LL.B. and an Advocate of so many years standing. Sir Raza Ali, in order to belittle the Mufassil lawyer' asked him:

"May I cross-examine you in English, Mr. Dayal "Yes, Sir Raza, if YOU can conveniently do so," replied Mr. Dayal.

In his discomfiture Sir Raza Ali did not at all cross-examine the witness.

79. Mr. L.V. Ardagh, I.C.S., District and Sessions Judge, Agra, was trying a murder case, in which a visitor to a prostitute had been killed at her kotha by another visitor of hers. Naturally, the prosecution witnesses were from the red light area. They were produced to depose, inter alia, that the woman was carrying on the

profession of a prostitute and that the deceased was murdered in her house by another admirer of hers out of rivalry. The Judge enquired of every witness as to how he knew that the woman was carrying on the profession of a prostitute (*Tum ko kaise maloom ki woh peshha karti hai?*) The witnesses gave unsatisfactory and evasive replies, as they dare not admit before the Judge that they used to visit the woman for purposes of prostitution. Then, an old and worldly-wise man entered the witness-box to whom the same question was repeated by the Judge. The witness said, he would explain it instantly. He took off his angocha (thin towel) from his shoulder, put it around his head in the form of a veil (Ghoonghat), and, giving the Judge 'the glad eye' (Ankh Maarkar) with a smile, said, "Sir, this is how she used to extend amorous invitation to the passers-by". The Judge at once exclaimed, "*Ham Samajh gaya, Ham Samajh gaya, Tum thik kahta hai*" (Now I understand, you are right.)

There was a roar of laughter in which the Judge also joined and did not repeat that question to any other witness.

80. In 1934. Mr. P. P. Plowden, I. C. S. (later Mr. Justice Plowden) was the District and Sessions Judge at Agra. Once, he was hearing a Civil appeal involving complicated questions of Hindu law. Mr. Kripa Narain was appearing for the appellant, and Mr. H. P. Bagchi for the respondent. However, the judge hardly followed anything. After sometime, he asked Mr. Kripa Narain "Are you a Brahman? ", to which Mr. Kripa Narain replied in the negative. The Judge then said, "Look here, Mr. Bagchi is a Brahman. He also teaches Hindu law in the Agra College every day. Therefore what he says must be correct. Your appeal stands dismissed." " If that is the test of the merits of the appeal, I have nothing else to say", replied Mr. Kripa Narain, and having picked up his brief quietly walked out of the court room.

81. Before coming to Allahabad, Dr. Sen was practising at Azamgarh. He was short-statured, lean and thin. Once, he was engaged to defend a 'Kabuli' who was charged with a petty theft. The first date was fixed merely for attendance of the- accused. Accordingly, Dr. Sen attended the Court with his Kabuli client and the Magistrate gave another date for the production of prosecution evidence. Naturally, Dr. Sen had not to speak anything on that date. However, this disappointed the Kabuli very much, who would not understand that his counsel was not required to say anything on that date. A day before the next date of hearing, the Kabuli went to the chambers of Dr. Sen, holding a small tin of ghee in one hand and the string of a young goat in the other. Dr. Sen enquired of him, "Khan, what is all this?" The Kabuli replied, "Sir, these things are besides your fee; otherwise, how are you going to defend me strongly without eating this nourishing food?" Dr. Sen tried to explain to his client that on the previous date it was not necessary for him to speak anything, as only a date for the prosecution evidence had to be fixed by the Magistrate. But the Kabuli did not listen to all this and, on each date of hearing, he presented a small tin of ghee and a young goat to Dr. Sen, and insisted that he should eat them before going to Court.

82. In execution of a decree, three bullocks of an agriculturist judgment debtor had been attached. He filed an objection under section 60 of the Code of Civil Procedure on the ground that all the three bullocks were necessary for earning his livelihood as an agriculturist, hence the same were not liable to attachment or sale in execution of the decree. The execution case came up for hearing before Mr. 'S', an additional Civil Judge at Gonda in 1950. He queried the judgment-debtor's counsel :

"I can understand that two bullocks are necessary for agricultural operations and may be exempted from attachment, but what about the third one" The counsel promptly replied, "Sir, the third bullock is an 'additional'." "What do you mean by 'additional' ", enquired the Judge. The counsel respectfully replied, "Your Honour, whenever there is heavy work, the third bullock is yoked as an . 'additional' force to pull the load." The Additional Civil Judge took it sportingly and ordered' "Let all the three bullocks be released from attachment, as the third one is an additional."

83. An English I. C. S. Commissioner of Allahabad was very fond of his dog. Everyday he took his pat to the Court and seated him on a nearby chair on the dias. Once Dr. K. N. Katju was arguing a revenue appeal before the Commissioner. During the arguments, the Commissioner started patting and fondling his dog. Seeing this, Dr. Katju stopped his address, whereupon the Commissioner asked him to carry on. Dr. Katju politely replied, "I had to stop in the middle, as I thought Your Honours were in consultation."

84. Long before the commencement of the Hindu Marriage Act, remarriage of a woman was recognised by custom amongst Jats. In or about the year 1930, a case in which the parties were Jats was being heard by the Judge, Small Cause Court, Meerut, in which a witness repeatedly used the word (Gaillar'). The Judge had heard the word for the first time and did not understand its meaning; so he asked the counsel for the plaintiff as to what it signified. Before the counsel could reply, the plaintiff who was an illiterate Jat, pushing aside his advocate, stepped forward and addressed the Judge thus,

"HINDI WORDS"

(Listen, I am explaining to you what (Gaillar) means. Suppose your father dies and your mother remarries me and you come to my house along with her) you would be called my 'Gaillar'. I hope you understand the meaning now.)

Needless to say, the Judge understood the term for too well never to forget it.

85. Babu Sehat Bahadur was the undisputed leader and President of the District Bar at Allahabad. He had a case in the court of the Munsif West, Allahabad. But instead of going there himself, he sent his junior to look after the case. The Munsif was, however, dissatisfied with the way the junior was conducting the case, so the Munsif sent for Babu Sehat Bahadur and complained to him about his junior. Thereupon Babu Sehat Bahadur promptly replied:

"HINDI URDU WORDS"

(Your Honour is perfectly correct. I myself told him several times that I practice at the Bar was beyond his competence and that he had better become a Munsif somewhere. But he refuses to understand this simple truth.) The Munsif naturally felt very embarrassed and did not make any further comments about the work and worth of young lawyers.

86. The attitude of a Munsif was rather contemptuous towards the members of the Bar. Once on a case being called out, the client appeared before him and prayed for a short adjournment. as his counsel was engaged in another court. The Munsif refused to postpone the case and asked the client to engage another counsel who would be available for Rs.2.

The client rushed to the Bar room and entreated several lawyers to accept his brief for RS.2 but none agreed. On the other hand, he was told that all the lawyers worth RS.2 had become Munsifs. Dejected he returned to the Court room and with folded hands said,

"HINDI URDU WORDS"

(Sir, I have failed to get a lawyer for Rupees z. They say that all the lawyers worth rupees z have become Munsifs).

87. In India, the Civil court is called 'Adalat Diwani'. (The word 'Diwani' also means an 'insane' woman). The well-known Urdu poet, Akbar Allahabadi, was Sadre-Ala (Civil Judge) at Allahabad. He was hearing a case, in which the counsel submitted in the grand oriental style,

"HINDI URDU WORDS"

(Your Honour, I crave justice, nothing but justice.)

The poet Judge promptly replied:

"HINDI URDU WORDS"

(How ungracious it is of you to demand justice from me; for I preside over a court which is insane'. The pun is on the word (Diwani').

88. According to Akbar Allahabadi, two things are enough to earn happiness in life—the role of the District Magistrate being very important indeed. This is what he says:

"HINDI URDU WORDS"

(You can enjoy sufficient happiness in life, provided your wife and the Collector (District Magistrate) are pleased with you).

89. Akbar Allahabadi, commenting upon the working of the Judicial department, once wrote to a colleague of his:

"HINDI URDU WORDS"

(This is a department where officers work less with common sense and more with judicial independence).

90. Akbar Allahabadi was not-in. the habit of visiting his superior officers. However, one day he decided to call on his English I. C. S. District Judge and fixed up a date and time with him. He started preparations for the interview from early morning. and reached the residence of the District Judge at 9 a.m., which was the hour fixed for interview. At first he was told that the Bara Saheb was in the bath-room, then in the dressing room and then at the breakfast table. It was at quarter to ten that the District Judge made his appearance. He at once shook hands with Akbar and enquired "What can I do for you Akbar Saheb" Akbar, who had come prepared for a hearty conversation, replied "Nothing Sir, nothing. I have not come here to seek any favour." It was followed by a few minutes silence and then the District Judge rose from his chair and again shaking hands with Akbar, said, "Are'nt we getting late for the courts" Akbar nodded his head in despair and bade good-bye. On his way home, Akbar kept on humming the following couplet to himself:

"HINDI URDU WORDS"

(There is no use Akbar, meeting such people, who merely shake hands, ad do not meet with open heart!!)

91. Here is a satiric rubai by the famous Urdu poet Chakbast Lakhnavi, caricaturing a life-long briefless lawyer:

"HINDI URDU WORDS"

(One leg of his rickety chair is shaky,

His table looks as though it was found lying discarded somewhere,

There is neither the worry of a clerk nor the bustle of clients,

So his office is a wonderful nook of seclusion,

In his last moments, when the Angel of Death made his appearance, His ignorant heart rejoiced that a client had arrived after all !)

92. In the same vein, Chakbast also wrote the following couplet:

"HINDI URDU WORDS"

(I caught hold of a client-it is called constructive action),

He managed to escape from the trap-it is called ill-luck.)

93. Here is another satire on lawyers by an unknown author:

"HINDI URDU WORDS"

(When the first lawyer was born, Satan proclaimed with joy,

'Thanks to Nature! It has blessed me with progeny')

94. Here is a lawyer's epitaph for a Munsif, who was a non-believer, and was hyper-conscious of his judicial position:

"HINDI URDU WORDS"

(Today passes away the dispenser of

justice from the wordly court,

The Angel of death has now secured a

decree by defeating the Munsif.)

95. At the closing function of the Law Faculty of the Lucknow University in 1930, the following couplet was recited, which also holds good about the law graduates of other colleges and Universities:

"HINDI URDU WORDS"

(It is said that law graduates of the Lucknow University go about grazing grass when they do not succeed in the profession).

96. In the years gone by, Mukhtarship examination was conducted by the Allahabad High Court, and many of the candidates used to be Urdu-knowing elderly persons. It was customary with the Students' Union of the Muir Central College, Allahabad (the University had not till then come into existence) to organise a Mushaira every year, immediately after the close of that examination, in which the prospective Mukhtars used to participate actively.

In one such year, the misra-tarah adopted by the students was 'HINDI URDU WORDS' (*Mukhtars lay Eggs during the holidays*). The youngsters were very jubilant that this misra-tarah would cause great embarrassment to the prospective Mukhtar).

A witty and elderly looking would-be Mukhtar, however, recited a humorous *ghazal*, the first two lines whereof were as under:

"HINDI URDU WORDS"

(Fearing a decrease in the number of students in the colleges, the Mukhtars lay Eggs during holidays).

This completely floored the youngsters.

97. But on another occasion the students of the Muir Central College scored a victory over the Mukhtars, when they recited the following couplet in a subsequent Mushaira. We know that Nooh Narvi was a famous Urdu poet of Allahabad. The couplet runs thus:

"HINDI URDU WORDS"

(Once revered Nooh nuded grass-scrappers (for his garden). In response, he found that heaps of Mukhtars had turned up for the job.

98. The following is the attitude of a light-hearted Judicial Officer towards his service:

"HINDI URDU WORDS"

(It is neither to earn a sigh nor an approbation, but it is only to earn my pay that I have entered the (Judicial) service.

99. Here is the similar philosophy of a lawyer towards his profession;

"HINDI URDU WORDS"

(Neither the decreeing of a suit causes me happiness, nor its dismissal a gloom, I have become a Vakil simply to earn my fee.)

100. It has well been said of a Judicial Officer, who altogether shirked administrative work and left everything to be done by his clerk.

"HINDI URDU WORDS"

The wiseman, Das Malooka, says:

The officer only bosses about and himself does no work. The work is really done by his all powerful clerk.