

1903.  
July 31.

TAMBY SAIBU v. JAYASEKERA.

D.C., Galle, 6,496.

*Counsel—Duty of counsel and proctor to point out palpable error to Judge making it.*

The object of counsel and proctors appearing in Courts of Justice is to render assistance to Judges. It is their duty, when they see a Judge making a palpable error, to point it out to him.

**I**N this case the Supreme Court set aside the judgment of the District Court, and made the following observations on the duties of counsel:—

31st July, 1903. LAYARD, C.J.—

It is to be regretted that the counsel who appeared in the Court below did not point out to the District Judge (Mr. J. D. Mason) the absurdity of a judgment in reconvention decreeing that the defendant should recover from the plaintiff the amount of a judgment which the plaintiff had recovered from the first defendant in a Court of competent jurisdiction.

The object of counsel and proctors appearing in the Courts is to render assistance to Judges, and I think it is their duty when they see a Judge making so palpable an error as this to point out to the Judge that he has no power to act in the manner the District Judge of Galle, did in this case.