

IN THE ~~JUDICIAL COMMITTEE OF THE~~ PRIVY COUNCIL

No. 7 of 1976.

O N A P P E A L

FROM THE HIGH COURT OF JUSTICE OF THE SUPREME
COURT OF JUDICATURE FOR TRINIDAD & TOBAGO

B E T W E E N :

RAMESH LAWRENCE MAHARAJ

Appellant

- and -

THE ATTORNEY GENERAL FOR TRINIDAD &
TOBAGO

Respondent

RECORD OF PROCEEDINGS

GASTERS,
44 Bedford Row,
London WC1R 4LL.

Solicitors for the Appellant.

CHARLES RUSSELL & CO.,
Hale Court,
Lincoln's Inn,
London WC2A 3UL.

Solicitors for the Respondent.

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Appellant

- and -

THE ATTORNEY GENERAL FOR TRINIDAD &
TOBAGO

Respondent

RECORD OF PROCEEDINGS

No. 1

In the High
Court

EXTRACT OF PROCEEDINGS

No.1

TRINIDAD AND TOBAGO:

IN THE HIGH COURT OF JUSTICE

SUB-REGISTRY, SAN FERNANDO.

Extract of
Proceedings
14th April
1975

14th April, 1975

10

No. 572 of 1971

B. Maharaj for the defendant

R. Maharaj for the plaintiff

Misir Q.C. holding for Mr. T. Hosein for the
defendant; and de la Bastide for Texaco.

B. Maharaj:

We are not ready to go on today. We require

In the High Court

No. 1

Extract of Proceedings
14th April
1975
(continued)

certain documents from Texaco, and having regard to the present position we cannot get these documents. I am not in a position to proceed today.

Court: What are those documents?

Maharaj: No response. I am now made to understand that there is an expert witness dealing with evidence for us with certain oil in the river.

Court: What is the name of the witness and what efforts have been made to get him here; was he cited.

10

B. Maharaj: I am unable to give his name.

Dismissed for want of prosecution.

No order as to costs.

A true copy of the original which I hereby certify.

Dated the 6th day of May, 1975.

Sgd. G.A. Edoo
Deputy Registrar.

No. 2

No. 2

Extract of Proceedings
15th April
1975

EXTRACT OF PROCEEDINGS

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TRINIDAD AND TOBAGO.

IN THE HIGH COURT OF JUSTICE

SUB-REGISTRY, SAN FERNANDO.

Heard before Mr. Justice Sonny Maharaj

15th April, 1975

No. 564 of 1973

B. Maharaj holding for R. Maharaj for the defendants.

Panday holding for Archibald, [sic] Q.C., for the Plaintiff.

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3.

B. Maharaj: I am asking for an adjournment. Mr. R. Maharaj cannot be here this morning. He is at the Court of Appeal and the defendants would like him personally to deal with this matter. Also the witnesses only went to the Solicitor on Friday.

Application refused.

B. Maharaj: I am asking the Court for leave to withdraw.

10 Application granted.

A true copy of the original which I hereby certify.

Dated the 6th day of May, 1975.

Sgd. G.A. Edoe
Deputy Registrar

In the High
Court

No. 2

Extract of
Proceedings
15th April
1975
(continued)

No. 3

EXTRACT OF PROCEEDINGS

No. 3

Extract of
Proceedings
16th April
1975

TRINIDAD AND TOBAGO:

20 IN THE HIGH COURT OF JUSTICE

SUB-REGISTRY, SAN FERNANDO.

Heard in Chambers before Mr. Justice Sonny Maharaj

16th April, 1975

No. 414 of 1972

R. Maharaj for the Defendant:

Denvy for the Plaintiff:

30 R. Maharaj: This is a matter in which the Court had pressed to go on. It is an assessment matter. The Plaintiff accepted the money deposited into Court. I would like to apply to the Court to disqualify yourself from sitting in any matter in

In the High
Court

No. 3

Extract of
Proceedings
16th April
1975
(continued)

which I am appearing. I make this submission on the basis that on Monday 14th April, 1975, Your Lordship dismissed action No: 572 of 1971 and action No: 875 of 1971, although there were applications on all sides for adjournment and without any motion or application to have the said actions dismissed; that on the said date in action No: 822 of 1972 Your Lordship proceeded to hear that action although there was an application for an adjournment on the basis that the witness from Caroni Limited could not have been got because of the industrial situation; further, in that action at the close of the Plaintiff's case, Mrs. Maharaj who held papers for me applied for an adjournment to the next day in order to try and get the witnesses that was referred to and there was a decision in favour of the plaintiff. My counter-claim was dismissed.

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Further, on the 14th April, 1975 there was a parheard matter between Soochit and Depal Singh - Action No: 707/68, Mr. King, Counsel for the plaintiff, did not attend on that date and that was adjourned to the 15th. A similar concession was not afforded to me;

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Further, in Samdaye and Caroni, which was listed for the 14th April, an application for an adjournment was made on my behalf and it was mentioned that Mr. Archbald had requested my consent to an application for an adjournment and that it was mentioned to Your Lordship that the witnesses were not available. Your Lordship postponed the matter from the 14th April to the 15th to go on. On the 15th April, 1975, there was in progress a part-heard matter.

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I submit that you have pursued an unjudicial course of conduct. Having regard to what I have stated I am asking you to disqualify yourself in all my cases.

Application refused.

Stood-down.

40

414/72 - resumed

Adjourned - 7th May, 1975.

A true copy of the original which I hereby certify.

Dated the 6th day of February 1976.

Sgd: G.A. Edoe
Deputy Registrar:

EXTRACT OF PROCEEDINGS

TRINIDAD AND TOBAGO:

IN THE HIGH COURT OF JUSTICE

SUB-REGISTRY, SAN FERNANDO.

Before Mr. Justice Sonny Maharaj

17th April, 1975:

564/73 resumed.

10 Archibald [sic] Q.C. leading.

Panday (absent) for the plaintiff.

R. Maharaj for the defendants.

R. Maharaj: I understood that Mr. Collymore and Dr. Mootoo gave evidence. I am asking the Court to recall them so that I could cross-examine them. I would like to cross-examine not only on the question of quantum but on liability. (Refers to paragraph 4 of the Defence). It may become necessary to rely on that paragraph 4.

20

Application refused.

R. Maharaj: Having regard to what I submitted this morning and what I submitted yesterday in the matter of Bachan I reserve the right to impeach these proceedings.

Court: Are you suggesting that this Court is dishonestly and corruptly doing matters behind your back because it is biased against you?

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R. Maharaj: I do not think this is the right place to answer that question. I do not think the question arises. But I say you are guilty of unjudicial conduct having regard to what I said yesterday.

Court: Mr. Maharaj, you are formally charged with contempt of Court and I now call upon you to answer the charge.

In the High Court

R. Maharaj: I am asking to have an adjournment to retain a lawyer.

No. 4

Application refused:

Extract of Proceedings
17th April 1975
(continued)

R. Maharaj: I am not guilty. I have not imputed any bias or anything against Your Lordship.

Court: Mr. Maharaj, do you have anything to say on the question of sentence?

R. Maharaj: I want to consult Dr. Ramsahoye to whom I have spoken about this matter and as a result of whose advice I appealed in the other matters.

10

Court: 7 days simple imprisonment.

Action No: 564/73

Adj. 28/4/75:

A true copy of the original which I hereby certify.

Dated the 6th day of February 1976.

Sgd: G.A. Edoe
Deputy Registrar:

No. 5

No. 5

ORDER

Order
17th April 1975

TRINIDAD AND TOBAGO:
IN THE HIGH COURT OF JUSTICE
SUB-REGISTRY, SAN FERNANDO.
No. 564 of 1973:

20

Between

SAMDAYE HARRIPERSAD

Plaintiff

- and -

MINI MAX LIMITED

Defendant

Dated the 17th day of April, 1975.

Before The Honourable Mr. Justice Maharaj.

WHEREAS at a Sitting of the High Court of Justice of Trinidad and Tobago held at San

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Fernando Before His Lordship The Honourable Mr. Justice Sonny Maharaj on Thursday the 17th day of April, 1975, Mr. Ramesh Lawrence Maharaj, Counsel for the above-named Defendant said that the Court was guilty of "unjudicial conduct" in matters in which he was engaged.

In the High Court

No. 5

Order
17th April
1975
(continued)

This Court being of the opinion that Counsel has been guilty of gross contempt of Court DOTH ORDER that the said Ramesh Lawrence Maharaj do stand committed to the Royal Goal [sic] for his said contempt for a term of seven (7) days simple imprisonment.

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/s/ S. Cross:

Assistant-Registrar
San Fernando:

A true copy of the Original which I hereby certify.

Dated this 6th day of February 1976:

G.A. Edoe

Deputy Registrar:

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No. 6

ORDER IN COUNCIL

ORDER IN COUNCIL GRANTING LEAVE TO APPEAL

L.S.

AT THE COURT AT BUCKINGHAM PALACE

The 18th day of February 1976

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 2nd day of February 1976 in the words following viz:-

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"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the

In the
Judicial
Committee
of the Privy
Council

No. 6

Order in
Council
18th February
1976

Judicial
Committee
of the Privy
Council

—
No. 6

Order in
Council
18th February
1976
(continued)

18th day of October 1909 there was referred unto this Committee a humble Petition of Ramesh Lawrence Maharaj in the matter of an Appeal from the High Court of Justice of the Supreme Court of Judicature for Trinidad and Tobago between the Petitioner and the Attorney General for Trinidad and Tobago Respondent setting forth that the Petitioner prays for special leave to appeal from his conviction by a Judge of the said High Court on the 17th April 1975 of contempt of court and from his sentence of seven days' simple imprisonment imposed upon him by the said Judge: And humbly praying Your Majesty in Council to grant the Petitioner special leave to appeal against the conviction and sentence by the High Court of Justice in Trinidad and Tobago dated the 17th April 1975 or for further or other relief:

10

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that special leave ought to be granted to the Petitioner to enter and prosecute his Appeal against his conviction and sentence in the High Court of Justice of the Supreme Court of Judicature for Trinidad and Tobago dated the 17th April 1975:

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"AND Their Lordships do further report to Your Majesty that the authenticated copy of the Record produced by the Petitioner ought to be accepted (subject to any objection that may be taken thereto by the Respondent) as the Record proper to be laid before Your Majesty on the hearing of the Appeal."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

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Whereof the Governor-General or Officer administering the Government of Trinidad and Tobago for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

N.E. LEIGH

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