

J.S.C. Circular No.287

To all District Judges, Magistrates and
Primary Court Judges

**HEARING OF CASES WHERE APPLICATIONS ARE MADE TO
APPOINT ANOTHER JUDGE ON PERSONAL GROUNDS, ETC.**

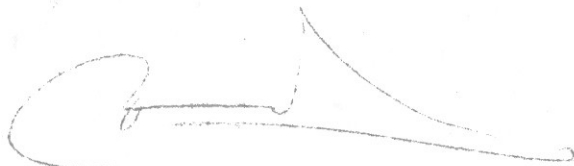
The Judicial Service Commission has observed that there have been several instances where the Judges decline to hear cases or forward requests of parties to appoint other Judges on the ground that a party or a material witness is an Attorney-at-law or a member of court staff or otherwise known to the Judge.

The Commission, has noted that such arrangements cause serious impediments since the work in the other Court from which the Judge is appointed is disrupted on that day.

In the circumstances the Commission has decided that hereafter no appointments of Judges other than the presiding judge to hear and conclude such cases will be made.

The mere fact that a party or a material witness being an Attorney-at-Law or a member of the court staff or being known to the Judge or a party making an application that the case should be heard before another judge is not a reason for the presiding judge to disqualify himself from hearing the case. If, however, in exceptional circumstances the presiding Judge decides that he should not hear a criminal case a request to recommend to Hon. Attorney-General the transfer of the case to another court may be considered by the Commission.

If it is a case other than a Criminal Case and if a similar situation arises the presiding judge has to indicate to parties that he will hear the case if parties do not raise any objection and if any party is not agreeable such party may make an application to a proper forum to have the case transferred before another court.



Secretary
Judicial Service Commission

Office of the Judicial Service Commission

Colombo 12

02nd August, 2004