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ADDRESS BY HON'BLE SHRI SWATANTER KUMAR, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL COURT REFERENCE TO LATE SHRI K.J.ABHYANKAR, ADVOCATE AND A SENIOR MEMBER OF THE ADVOCATES' ASSOCIATION OF WESTERN INDIA, BOMBAY HIGH COURT, HELD ON THUR 27TH MARCH, 2008.

My esteemed colleagues, Mr. Raghuwanshi, Additional Solicitor General, Mr. Kadam, Advocate General of Maharashtra, Mr. Deshmukh, Chairman, Bar Council of Maharashtra & Goa, Mr. Kapadia on behalf of Bombay Bar Association, Mr. Thorat, President of Advocates' Association of Western India, Mr. Zaiwala, Vice-President, Bombay Incorporated Law Society, learned Members of the Bar, distinguished Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of late Shri Kashinath J. Abhyankar, eminent lawyer on the Appellate Side of the Bombay High Court, who left for his heavenly abode on the 17th January, 2008.

Late Shri Abhyankar was born on 1st April, 1925. After obtaining law degree he joined the chamber of his grand father Shri S.Y. Abhyankar in 1947 and later on Shri M.G. Chitale. Shri K.J. Abhyankar during short span acquired reputation and name at the Bar. He was known for his devotion to practice and ethics of his profession. I am told that he had large number of clients almost from every corner of the State. However, I am told that late Shri Abhyankar shouldered his professional responsibilities with dignity, utmost humility and management skills. He had phenomenal memory and his grasp over the facts was so amazing that he never made an incorrect statement of fact. He was ready with scores of briefs on any given date. As a result, the Bench had always immense faith in his arguments.

The Bar and the Bench treated Shri Abhyankar with greatest respect for his authoritative mastery on the Rent Act, Hindu Law and the Land Acquisition Act. The ability and the manner of arguing property matters with lucid exposition of law was un-matched. To name few matters out of number of reported matters conducted by Shri Abhyankar, judgmentsThe contribution of Shri Abhyankar to development of Appellate Side is unparalleled. He was Ajatshatru. He was an idol for young lawyers. His death has created a void which cannot be filled in in years to come.

In the passing away of Shri Abhyankar, the legal fraternity has lost a 'guide'. In this hour of grief, on behalf of my colleagues, myself, High Court Registry and all of you assembled here, I convey our heartfelt condolences to the members of the bereaved family. May Almighty give them strength to bear the great loss.

May the departed soul rest in eternal peace.

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Address by Mr. R.M. Kadam, Advocate General, at the Full Court Reference to Senior Advocate Late Shri K.J. Abhyankar on 27th March, 2008.

My Lords, The Chief Justice and other Judges of this Court, Mr. Rajendra Raghuvanshi, Additional Solicitor General of India, Mr. Patil, representing the Bar Council of Maharashtra and Goa Mr.Dada, President, Bombay Bar Association, Mr.Thorat President, Advocates' Association of Western India, Mr.Jani, Vice-President, Incorporated Law Society, members of the Abhyankar family and my learned colleagues.

We are assembled here today to pay tribute to the memory of Mr.K.J. Abhyankar who passed away this January. Yesterday I did a quick search of the BCR software and found more than 400 reported cases beginning for almost 57 years ago in which Mr.K.J. Abhyankar had appeared. But this is a bald statistic and tells us but little about this wonderful man and lawyer.

The truth is that for almost 50 years Mr.K.J. Abhyankar was a lawyer who always practiced at the forefront of the law. For several decades he dominated work on the Appellate Side. There was not a single important matter in which he was not retained noone side or the other. He was a skilled and consummate advocate and was known for his innovation and uncanny ability to see the big picture. He was exquisite in his attention to preparation and detail.

In Court and in the bar room Mr.K.J. Abhyankar conducted himself with great dignity. To those who did not know him well he may have appeared aloof even remote but to those of us who got an opportunity to know him well he was the one of the best guides, firm yet gentle, always willing to help those who approached him.

I knew Mr.K.J. Abhyankar even before I joined the Bar because of his son Abhay. Later on as a young lawyer I appeared for the Government against him in several Land Acquisition matters against him. His preparation was immaculate and his presentation in Court was crisp and precise.

Mr.K.J. Abhyankar was an ideal lawyer and a role model for all young lawyers. All those had the privilege of working with him

and I am sure most of us here had occasion to do so have carried with us something of his great qualities as a lawyer.

In the mid 1990, he suffered a stroke and being the kind of man he was, Mr.K.J. Abhyankar decided to call it a day and retired from active practice and settled down in Pune. There he spend the evening of life no doubt contemplating a life well lived.

In the passing away of Mr.K.J. Abhyankar the Bar has lost an eminent and renowned lawyer who personified discipline industry and above all, a lawyer of the highest and unimpeachable integrity.

My Lords, on behalf of the entire Bar of the State of Maharashtra, I join your Lordships in offering our condolences to the members of the Abhyankar family.

May his soul rest in peace.

Address by Mr. R.B. Raghuvanshi, Additional Solicitor General, at the Full Court Reference to Senior Advocate Late Shri K.J. Abhyankar on 27th March, 2008.

The Honourable Chief Justice, the Honourable Judges, Shri Ravi Kadam, Advocate General, Shri Rajiv Patil, Member Bar Council of Maharashtra and Goa, Shri Rafique Dada from Bombay Bar Association, Shri Thorat from Advocates' Association of Western India, Shri Jani from Bombay Incorporated Law Society, Abhyankar family, Members of Bar, Ladies and Gentlemen,

The Hon'ble Chief Justice and the learned Advocate General have spoken with great feelings about Shri K.J. Abhyankar whose death a few days ago was not only an enormous loss to the legal fraternity of this State, but was also a huge personal loss to me. Today when I stand to speak about Shri K.J. Abhyankar's life, I feel a huge emotional surge. He was father to me in the legal profession. I had the privilege to be associated with him as his junior in his Chamber. All the memories of those wonderful years are flooding my mind.

What I am today as a lawyer is what I learnt from Shri K.J. Abhyankar as his junior. I was a raw junior those days from a rural area but due to the strong support and a helpful caring hand from Shri K.J. Abhyankar that I could establish myself as a lawyer. Shri K.J. Abhyankar not only provided shelter to a young lawyer like me who came from rural background but also taught me to walk in the corridors of this great High Court. Shri Abhyankar not only trained me as a lawyer but impressed upon me that only a complete human being can become a good lawyer.

Shri K.J. Abhyankar completed his schooling in the year 1942 and then finished his graduation from Poddar College. He completed his law from ILS Law College, Pune in the year 1946 and in 1947 he was enrolled as a Pleader and started practice with Shri K.J. Abhyankar who incidentally was one of the founder members of the ILS Law College, Pune. Shri K.J. Abhyankar joined the chamber of Mr.M.G.Chitale in 1950. He was Asst.Govt.Pleader for 4 years at Mumbai High Court and dealt with matters relating to land acquisition. Shri K.J. Abhyankar also taught law students at New Law College.

He was one of the seniors among the bar who was ready with every matter which was there on the board on a particular day at any serial number. He was an authority on Bombay Rent Act, CPC, Specific Performance, Hindu Law and Land Acquisition. His practice was exclusively devoted to civil matters. During those days, almost the entire Appellate Side Civil Board was dominated by Shri K.J. Abhyankar's name.

He was extremely patient, studious and deliberate in his advocacy and conveyed the impression of a solid reliable lawyer and a firm advocate. His forensic manner carried weight with the court and he earned the confidence of the Judges. He was ready with the matter at all times both on law point and on facts. Shri K.J. Abhyankar's statements before the Judge were treated as gospel truth. He was prominent among the appellate side practitioners who enjoyed confidence and esteem of not only their clients but the Judges too.

As a person, Shri K.J. Abhyankar was reserved, unassuming and had no ambition for political and public life. His methods were simple and straight and he went about his usual business in a peaceful manner. I have no hesitation in saying that as an advocate Shri Abhyankar had few equals and as a lawyer, he had few superiors.

There were two sides to Shri K.J. Abhyankar's personality. In the Court, Shri Abhyankar came across as a strict disciplined lawyer who was thoroughly prepared and was concerned with the matter only. After 5.00 p.m. In the evening Shri K.J. Abhyankar was a totally different personality who came across to his juniors as a caring and loving senior. I may recollect that in one matrimonial matter which was being heard in this Court there was a custody fight for two girl child between the parents. This Hon'ble Court requested Shri Abhyankar to keep the two girl child at his residence for two days. They stayed with Shri Abhyankar and after two days when the Court asked the girl child with whom they would like to stay with the father or mother. Both the children replied that they wanted to stay with Shri Abhyankar's family only.

Shri K.J. Abhyankar, after his retirement led a peaceful, social and cultural life in his beautiful bungalow at Pune. Shri K.J.

Abhyankar continued his love for badminton in his retired life at Pune. Shri K.J. Abhyankar was a loving father and a caring husband. Though Shri. Abhyankar was known as a stern personality in the Court, his relationship with his children specially with Abhay was most friendly and informal.

Shri K.J. Abhyankar led a simple life and left this world as a content soul.

In this hour of grief, I express my heart-felt condolence and sympathy to the members of his family. I pray that God almighty gives them the strength to bear such a huge loss gracefully.

May his soul rest in peace.

Address by Mr. Rajiv Patil, Member, Bar Council of Maharashtra and Goa, at the Full Court Reference to Senior Advocate Late Shri K.J. Abhyankar on 27th March, 2008.

Honourable Chief Justice Mr.Swatanter Kumar and Honourable Judges of the Bombay High Court, Mr.Rajendra Raghuvanshi, Additional Solicitor General of India, Mr.Ravi Kadam, Advocate General of Maharashtra, Mr.Rafique Dada, President, Bombay Bar Association, Mr.Shankarrao Thorat, President, Advocates Association of Western India, Mr.Jani Vice President of Bombay Incorporated Law Society, Members of Abhyankar Family, Ladies and Gentlemen.

Late Mr.K.J. Abhyankar, a Legal Luminary and Giant of this High Court left us creating a void in legal fraternity. The man of immaculate character who gave us several legal eagles from his Chambers is no more. He left behind him infinite memories on this legal track with regard to etiquettes and duties of an Advocate qua the Bench.

Once one of the great English Jurist was asked 'When you are going to retire ? ' And he deliberately used to say ' I shall go on as long as I can do the job,' Next question was " who will be the Judge of that?' And he said ' I will be myself.' I remembered these words when I heard the news of sad demise of late Mr.K.J. Abhyankar. He never retired as an advocate, worked as a hard core lawyer in this High Court and made his inerasable imprint,. In late Nineties, he stopped appearing in Court but he continued his legal work from his Chambers in Pune.

In the year 1950 late Mr. K.J. Abhyankar joined the chambers of Mr.M.G.Chitale Advocate and joined the main stream of this High Court. He was the finest and specialised Assistant Government Pleader in the High Court who dealt with thousands of Land Acquisition Appeals and acted as an officer of the Court. He was an authority on Rent Act, Hindu aw and Land Acquisition Act. His preparation of matters was so meticulous, all his opponents always remained apprehensive about their own preparation on facts for conducting case. Mr.Abhyankar's word across the Bar on facts or on law was never challenged either by the Bench or by the Bar. Mr.Abhyankar was always prepared with the matter and never asked for an adjournment in any matter

but never did he object to accommodate his opponents advocate. He never believed that lawyer wants to avoid Court.

During the years 1981 to 1982 when we joined the profession on the Appellate Side, we all juniors were very curious about this personality who used to come to Court at 10.30 a.m. wearing fawn colour coat with white dress and with straight face, sitting quietly on his table till he saw juniors coming in. Our close friend Mr.Raghuvanshi was the junior most advocate in his chambers at that time and we always used to ask him whether Mr.Abhyankar talk to him anytime ? Of course, we refused to believe our friend who said that he is a different person but I changed my impression after my first personal meeting.

I was very fortunate to be his instructing advocate in few matters under Bombay Rent Act. In the first matter when I approached him with my stutter language, he just told me to leave the case papers and see him in his chambers in the evening. With some diffidence I reached his chambers and I was amazed to see all together different person called Mr.K.J. Abhyankar. He asked me only two questions (1) at what serial the matter is listed and (2) who is the Opponent Advocate. I told him matter is high on board and our opponent is Mr.Ajit Shah, the present Chief Justice of Madras High Court. I saw hint of a smile in his eyes and he told me that he has already read the papers and I should join him for a tea. No formal conference, no details of case laws, and just a chat on other subjects, a typical Appellate Side attitude. He took me to his residence and started chatting on various subjects including sports. At that time we juniors were trying to have some constructive programmes for junior advocates in Association and therefore I told him that one of his junior Mr.Raghuwanshi, is contesting election for the post of Secretary of AAWI. Though he never indulged in the affairs of AAWI, he just listened to me about the difficulties of junior advocates at the Bar. He was so surprised to know the fact and thereafter with whole heart he stood by all of us. I can never forget this experience.

I another case, I was assisting my Senior Mr.Vilas Kamat (Late Justice V.V.Kamat) in a famous case in Rent Act, Piroja Mehta vs Dr.Ramibai. The case was on the point of amendment of 1987 to Bombay Rent Act on the grounds of arrears of rent. My senior's arguments were concluded before Justice

R.A.Jahagirdar and Mr.Abhyankar for next three days argued on the points of intricacies of grounds of arrears of rent. It was my great life time learning experience.

As I said earlier Mr.Abhyankar gave legal eagles to this profession from his chamber, to name them a few, Mr.V.N.Ganpule, Senior Advocate of the Supreme Court, Mr. B.B. Apte, Senior Advocate and a Parliamentarian, Mr.Y,S.Jahagirdar, Senior Advocate and Mr.Raghuwanshi present Additional Solicitor General. His favorites were Mr.Vasant Gokhale and Mrs Shubhada Gokhale and many others. His son Abhay Abhyankar, Senior advocate has his own identity in this High Court.

We at the Bar Council always respected him as a Role model. Mr.Abhaynkar stood by his principles of profession and was blunt enough to express his opinion to his client about his case. He believed in the fact that "listen to Judge what he says and try to persuade him at best of your ability. If you succeed its your achievement but have all the patience and never prejudice your clients interest for personal ego. Accept the judgment. Once you are out of the court all ends, dont' carry it home. "

I feel proud privileged to address this reference on behalf of Bar Council of Maharashtra and Goa as we are indebted to late Mr.Abhyankar to place principles of Advocacy before entire Bar.

On behalf of the Bar Council, I am trying to make endeavour to convey my deep feelings and condolences to the family of Mr. Abhyankar and I pray that let departed soul rest in peace.

Address by Mr. Rafiq Dada, President of the Bombay Bar Association at the Full Court Reference to Senior Advocate Late Shri K.J. Abhyankar on 27th March, 2008.

My Lord the Chief Justice and my Lords the Honourable Judges of this Court, Mr. Kadam, Advocate General of Maharashtra, Mr. Raghuvanshi, Additional Solicitor General of India (Western Region), Mr. Patil, Member of Bar Council of Maharashtra and Goa, Mr. Thorat, President of Advocates' Association of Western India, Mr. Jani, Vice-President of Bombay Incorporated Law Society, members of late Mr. Abhyankar's family and my colleagues at the Bar,

On behalf of the Bombay Bar Association, I associate myself with the sentiments expressed by my Lord the Chief Justice and the speakers who have preceded me.

Over the last nearly 150 years of its existence, this Court has thrown up a long line of great Advocates. The Court rooms in this building have heard Advocates with great forensic ability. I am sure a treasured memory is reserved for Mr. K.J. Abhyankar who passed away a few weeks back.

Mr. Abhyankar's life was an inspiration to many a young Advocate. Mr. Abhyankar started his legal career in 1947, after completing his legal education in Pune. He grew from strength to strength at the Bar. He worked as Assistant Government Pleader and slowly grew in stature. He worked as a part-time Lecturer in law and taught aspiring law students.

In a few years, he developed a good practice. His services were eagerly sought. If one turns to the law reports for over forty years from the 50's, one finds many reported judgments where Mr. Abhyankar figured on one side or the other. His most notable cases were on the Bombay Tenancy and Agricultural Lands Act, Bombay Rent Act and cases on various provisions of Property Law.

Mr. Abhyankar appeared in the famous case of Pandharinath Chavan vs. Ram Krishna Kate where this Court decided on the rights of heirs of a deceased tenant under S. 32 (1B) of the Bombay Tenancy and Agricultural Lands Act. He appeared in many leading cases in the formative years of the

Bombay Rent Act, 1947. An interesting case reported in 77 Bombay Law Reporter is the case where Mr. Abhyankar appeared and where the liability of a doctor was laid down in the law of Torts. I saw Mr. Abhyankar in action. I found him always to be well prepared. Mr. Abhyankar was a skilful Advocate who was an object lesson to the juniors of his day. Mr. K.J. Abhyankar had many outstanding juniors like Mr. Ganpule, Mr. Bal Apte, Mr. Raghuvanshi and Mr. Jahagirdar.

On the last few years Mr. Abhyankar had retired from active practice. On 17th January, 2008 he passed away into the great legend to which all mortals must go.

On behalf of the Bombay Bar Association I extend my condolence to the members of Mr. K.J. Abhyankar's family. We are with them in this hour of grief. We extend our condolence to Mr. Abhay Abhyankar, Senior Advocate, who is our colleague at the Bar. We pray that the Almighty gives them the strength to bear this loss.

Address by Mr. Shankar P.Thorat, President, Advocates Association of Western India, at the Full Court Reference to Senior Advocate Late Shri K.J. Abhyankar on 27th March, 2008.

The Hon'ble Chief Justice Shri Swatanter Kumar, the Hon'ble Judges of this Hon'ble Court, the Advocate General Shri Ravi Kadam, Additional Solicitor General Shri Rajendra Raghuvanshi, the President of the Bombay Bar Association Shri Rafiq Dada, the Vice President of Bombay Incorporated Law Society, Shri Jani, Family members of Shri K.J. Abhyankar, all his Juniors, and all the Government Pleaders from Appellate and Original Side and Advocate Friends.

I endorse the views of earlier Learned Speakers.

There will be exception if any one says from the legal fraternity that he is not aware of late Shri K.J. Abhyankar. Not only the Advocates but, even from the views of the litigants he was one of the best Advocate. Shri K.J. Abhyankar was having many number of clients from every corner of each districts of the State of Maharashtra.

When we were in the Government Law College at Churchgate, then our teachers used to few names who were top ranking Advocates in this Hon'ble Court. Shri K.J. Abhyankar was one of them.

Shri K.J. Abhyankar took his primary and secondary education from Wilson School at Girgaon. Since beginning, he was a very studious student. In the year 1942, Shri K.J. Abhyankar completed his matriculation and joined Poddar College. After graduation from commerce faculty, he joined the Government Law College and thereafter at ILS Law College in Pune. He also was one of the founder member of the I.L.S.Law College.

After completion of LL.B in the year 1946, he started practice in this Hon'ble Court in the chamber of late Shri S.Y. Abhyankar. Thereafter, in the year 1950 he joined the Chamber of Shri M.G. Chitale. Shri Abhyankar was a Advocate who never asked for an adjournment and at the same time he never opposed his opponent seeking an adjournment.

As and when I started practice in this Hon'ble Court, I got opportunity to observe the work of Shri K.J. Abhyankar. Some time he was my senior Counsel in Rent matters. The way of preparation of Shri K.J. Abhyankar in respect of any case was exceptional. He was aware that where a particular brief and concerned book is kept, and where the concerned case law is written, His memory was very sharp and he always looked after the interest of his junior lawyers. He always used to see that his juniors should be well prepared. And that is the reason he has created number of eminent lawyers like Shri Ganpule who is a Senior Lawyer in the Supreme Court of India, Shri B.P.Apte the Senior Lawyer and who is also National figure in the Indian Politics, Shri Shekhar Jahagirdar who was the Judge in this Hon'ble Court for some time and at present he is a Senior Counsel, Shri Rajendra Raghuvanshi who is the Additional Solicitor General of India, Shri Abhay Abhyankar who is his son and practicing as a Senior Counsel, Shri Vasant Gokhale who is the Government Pleader, Shri Ram Apte who is special Counsel of the Municipal Corporation and many others like Mrs Shubhada Gokhale. All are very successful lawyers. For their success, the entire credit goes to late Shri Abhyankar.

In the legal field, he was a real guardian and Godfather for his juniors. As and when his junior advocate used to appear in the matter of his chamber, he never interfered in his argument even if he would be available near him in the same Court. The discipline in the administration of his chamber was very strict and it was the basic principle of his office. There was no scope for anyone to go according to his own wish.

Today, Shri K.J. Abhyankar is not with us but, the ideals laid down by him will always remain with us. On behalf of A.A.W.I.I. I pray that Let his soul rest in peace and give further strengths to his family members.

Address by Mr. Priyahas A. Jani, Vice-President, The Bombay Incorporated Law Society, at the Full Court Reference to Senior Advocate Late Shri K.J. Abhyankar on 27th March, 2008.

My Lord, the Hon'ble the Chief Justice and the Judges of this Hon'ble Court, Mr.Ravindra M.Kadam, Advocate General, Mr.Rajendra Raghuwanshi Additional Solicitor General, Western Region, Mr.Thorat, President Western India Advocates Association and Mr.Rafique A.Dada, President Bar Association, Mr.Patil, Bar Council of Maharashtra.

It is with deep sorrow that I on behalf of the members of the Bombay Incorporated Law Society associate myself with the sentiments which have been expressed here.

It is really a sad occasion but we can only take consolation in the fact that,

That one that is born death is certain and certain is birth for the one that has died. Therefore, for what is unavoidable, thou should not grieve.

I pray tribute to the departed soul on behalf of the members of the Bombay Incorporated Law Society and on my own behalf. In passing away of Shri K.J. Abhyankar we who knew him closely have lost a warm friend and able Advisor.

I met Mr.Abhyankar for the first time during my Article Clerkship for Solicitors examination in a matter concerning Rent Act. I was than not even a law graduate but I cannot forget the courtesy with which I was treated and the manner in which provisions of Rent Act were explained to me by Mr.Abhyankar.

Mr.Abhyankar believed that,

All things are possible until they are proved impossible and even the impossible may only be so as of now.

At the time of his death that could come out from Mr.Abhyankar could only be

I have got my leave, bid me farewell my brothers. I bow to you all and take my departure. I have received more than I could give. A summons has come and I am ready for my journey.

To the family members of Mr. Abhyankar I quote the words of S. Radhakrishnan,

"Our Human dignity requires us to accept pain and suffering for the sake of the right. All men are bound to die. All life ends in death, all progress is perishable and nothing is permanent in the temporal sense of the term".

I respectfully join my Lords and my colleagues in the prayer that the soul of Mr. Abhyankar may rest in eternal peace and his abiding memories may live for long. I extend on behalf of the Bombay Incorporated Law Society condolences to the members of his family.

May his soul rest in eternal peace.