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ADDRESS BY HON'BLE SHRI SWATANTER KUMAR CHIEF JUSTICE HIGH COURT OF JUDICATURE AT BOMBAY AT THE FIRST COURT REFERENCE TO LATE SHRI NARAYAN LAXMANABHYANKAR. FORMER JUDGE OF THE BOMBAY HIGH COURT HELD ON WEDNESDAY 2ND APRIL 2008.

My esteemed colleague, Mr. Raghuwanshi, Additional Solicitor General, Mr. Rajiv Patil on behalf of Bar Council of Maharashtra & Goa, Mr. Rafiq Dada, President of Bombay Bar Association, Mr. Thorat, President of Advocates' Association of Western India, Mr. Jani, Vice-President, Bombay Incorporated Law Society, learned Members of the Bar, members of family of late Justice Abhyankar, distinguished Ladies and Gentlemen,

The unseen hands of the Almighty have withdrawn Justice N.L. Abhyankar from us on 20th August, 2007. We have, therefore, assembled here this morning with a profound grief to pay homage to a distinguished former Judge of this Court who left for his heavenly abode at the age of 100 years. He had no children.. The wife pre-deceased mm III 7~0)- 8" O. He IS survive d by h ISSIster bimLlviUiaK. SflWai "VOKildle, nephews and niece.

It is difficult to encompass the life of an eminent person who lived for a century.

Late Shri Abhyankar was born on 30th November, 1907. Justice Abhyankar obtained his primary and high school education from Yeotmal. He took his college education from Fergusson College, Pune. In those days he possessed the qualifications of B.A. LL.B.

In June, 1932, Justice Abhyankar was enrolled as Pleader and further was enrolled as an Advocate of the then Nagpur High Court in 1938. From 1932 to 1949 he practised in the District Court at Yeotmal, almost in all fields of law. In 1949 he shifted to Nagpur High Court and practised in constitutional, civil and criminal matters. He worked as Additional Special Government Pleader in the High Court from July, 1957 to June, 1958 and as Special Government Pleader from 1.7.1958 to 10.10.1960.

Justice Abhyankar made a mark within few years at the Bar. As a result, he was elevated to the Bench on 11th October, 1960.

It may be perhaps the first instance where a person enrolled as Pleader made it right to the top as Judge of the High Court. Justice Abhyankar adorned the Bench from 11th October, 1960 to 30th November, 1969.

Justice Abhyankar was a multi faceted personality and kind-hearted person. However, when it came to dispensing justice to the litigants he was firm. He was never carried by any persuasive appeal of emotion. He dealt with intricacies of questions of law and subtle arguments in a lucid manner and touched the very heart of the matter as is evident from number of his judgments in Bombay Cases Reports. His contribution to the administration of justice would be remembered by the legal fraternity forever.

In this hour of grief, on behalf of my colleague, 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 noble soul rest in eternal peace.

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AT THE END OF ALL ADDRESSES.

MY LORD WILL SAY:

AS A MARK OF OUR RESPECT TO THE DEPARTED SOUL
LET US OBSERVE SILENCE FOR TWO MINUTES.

May the departed soul rest in eternal peace.

Speech by Mr. R.B. Ra~huvanshi, Additional Solicitor General, at the First Court Reference to late Shri Narayan Laxman Abhyankar, former Judge of the Bombay High Court on 2nd April, 2008.

The Honourable Chief Justice, the Hon'ble Shri Justice Kanade, Shri Rajiv Patil, Member, Bar Council of Maharashtra and Goa, Shri Rafiq Dada, President Bombay Bar Association, Shri Thorat, President, Advocates Association of Western India, Shri Jani, Vice-President, Bombay Incorporated Law Society, members of the Abhyankar family, members of Bar, ladies and gentlemen;

We have heard the sentiments expressed by the Hon'ble Chief Justice on the said demise of Justice N.L. Abhyankar. I share every sentiments expressed by Honourable Chief Justice and wish to add a few of my own.

Justice N.L. Abhyankar was born on 30th November, 1907. He finished his primary education from Municipal Primary School, Yeotmal. He was enrolled at Government High School, Yeotmal for higher secondary school and completed his graduation from Fergusson College, Pune.

Justice N.L. Abhyankar started his practice in the year 1932 at the District Court in Yeotmal. His practice was varied and included criminal, civil, revenue, original and appellate side work. From the year 1949 onwards, Justice N.L. Abhyankar started practicing in Nagpur High Court handling constitutional civil and criminal work.

Justice N.L. Abhyankar was the Additional Special Government Pleader from July, 1957 to June, 1958 and was promoted as Special Government Pleader in the same Court for a period of two years till his elevation as a High Court Judge. Justice N.L. Abhyankar was elevated to the Bench on 11th October, 1960.

Justice N.L. Abhyankar made a sound and competent Judge and had a good grasp of facts and knowledge of law. As a Judge, Justice N.L. Abhyankar was independent and possessed high intelligence which enabled him to decide cases quickly.

It is unfortunate that we have lost such an illustrious, legal personality from amongst us. I pray to the almighty to give strength to his family members to bear the loss with strength. May his soul rest in peace.

Speech by Mr. Rajiv Patil Member, Bar Council of Maharashtra and Goa, at the First Court Reference to late Shri Narayan Laxman Abhyankar, former Judge of the Bombay High Court on 2nd April, 2008.

Honourable the Chief Justice Mr. Swatanter Kumar and Honourable Justice V.M. Kanade of the Bombay High Court, Hon'ble Additional Solicitor General of India Mr. Rajendra Raghuvanshi, Hon'ble Mr. Rafiq Dada, President of the Bombay Bar Association, Hon'ble Mr. Shankarrao Thorat, President, Advocates Association of Western India, Hon'ble Mr. Jani, Vice-President of Bombay Incorporated Law Society, family members of late Mr. Justice N.L. Abhyankar, ladies and gentlemen;

Late Mr. Narayan Laxman Abhyankar, former Judge of this Hon'ble High Court passed away at the age of 99 years. Born on 30th November, 1907 at Yeotmal in Vidarbha region, Justice Abhyankar did his graduation in Arts and thereafter in law. He was student of Ferguson College, Pune.

Initially he was enrolled as a Pleader in June, 1932 and in the year 1938 he was enrolled as an Advocate of Nagpur High Court. In the legal fraternity he was known as 'Bapusaheb'.

His career in legal fraternity at Yeotmal District Court gave him varied experience in Revenue, Civil and Criminal law. Since 1949 he had large work of civil, criminal and constitutional law at Nagpur High Court. He worked as Special Government Pleader in the High Court from 1957 to 1960.

After the experience as an advocate for 28 years, his sincere legal approach for common man was acknowledged and he was elevated as a Judge of this High Court on 11th October, 1960. Late Justice Abhyankar had a career of nine years as a Judge and he retired on 30th November, 1969.

Late Justice Abhyankar was Judge known to be a hard core judicial officer with sympathetic nature and always had ultimate urge to follow the first principles of natural justice. He had great belonging for Vidarbha Region and always remained busy for betterment of Educational Standards in the region after his retirement.

Late Mr. Justice Abhyankar will be remembered for his uprightness and clarity of thoughts in justice delivery system.

Because of his sad demise, we have JOlagf~~t lawyer and a
Judge..!

On behalf of Bar Council of Maharashtra and Goa I pay my
respects to departed soul and pray that May his soul rest in peace.

Speech by Mr. Rafiq Dada, President of the Bombay Bar Association at the First Court Reference to late Shri Narayan Laxman Abhyankar, former Judge of the Bombay High Court on 27 April 2008

My Lord the Chief Justice, Mr. Justice Kanade, 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 and my colleagues at the Bar.

On behalf of the Bombay Bar Association, I join in the message of condolence expressed by my Lord, the Chief Justice and the preceding speakers.

The passing away of Justice Narayan Laxman Abhyankar on 20th August, 2007, has closed the chapter of a rich life led by the deceased of service, both to Law and Society.

Mr. Justice Abhyankar retired from this Hon'ble Court on 30th November, 1969 after serving for 9 years. He was directly appointed from the Bar and had a rich experience for nearly 28 years before his appointment as a High Court Judge. Justice Abhyankar decided many important cases in civil, industrial and criminal law. One of the important cases decided by him was under Section 3 of the Hindu Women's Right to Property Act, 1937 namely (i) Parvati Hazare vs. Janabai Gaddi Hazare. In this judgment the learned Judge decided on the question as to whether the share obtained by a member of a joint HUF on partition continues to be an interest in joint family property and the nature of the interest which his widow would have on his death.

Another important judgment was on the question as to whether a person carrying on trading activity in agriculture goods through a broker was required to take a trader's license under the Berar Agriculture Produce Marketing Rules. This was the decision in the case of Waman Rao Marsoodkar vs. Amrutlal Gulabchand.

Justice Abhyankar retired in November 1969 and rich tributes were paid to him by the Bar on his retirement.

He had a full life and left for his heavenly abode after completing a biblical span of almost 100 years.

On this occasion I extend my condolence to the members of his family.

May his soul rest in peace.

Address by Mr. Shankar P. Thorat, President, Advocates' Association of Western India, at the First Court Reference to late Shri Narayan Laxman Abhyankar, former Judge of the Bombay High Court on 2nd April, 2008.

The Hon'ble Chief Justice Shri Swatanter Kumar and Hon'ble Justice Kanade, Additional Solicitor General Shri Rajendra Raghuvanshi, Former Chairman and the present member of the Bar Council of Maharashtra and Goa Shri Rajiv Patil, the President of Bombay Bar Association Mr. Rafiq Dada, the Hon'ble Vice-President of Bombay Incorporated Law Society Shri P.A. Jani, Family members of Abhyankar Family, all office bearers and the members from both Association.

Justice Narayan Laxman Abhyankar was known as Bapusaheb. He completed his primary and secondary education at Yeotmal and thereafter graduation in B.A. and thereafter LL.B. In 1932 he enrolled as an Advocate at Bar Council of Maharashtra. Thereafter he joined the Bar Association and started legal practice at Nagpur. He also had practiced in the District Court.

For some time in 1957 to 1960 Justice Abhyankar was Additional Government Pleader and also a Special Government Pleader. In 1960 he was elevated as an Additional Judge of this Hon'ble Court. And immediately thereafter he became permanent Judge. Most of his judgments are confirmed in the Apex Court. Justice Abhyankar retired from service on 30th November, 1969. Thereafter he settled at Pune. On 30th November, 2006 he completed 100 years of his age. After retirement and during the said long period he was very active. He established the institution for the parents of non-resident Indians. Said institution is spread rapidly and now it became a great asset to the old aged parents in India whose children are citizens of foreign countries.

As a person he was very noble, sincere and hard worker. Our knowledge of Mr. Abhyankar comes from his historical judgments and also the stories spoken about him from our senior lawyers. But there are echoes too in the historical building of Nagpur Bench of this Hon'ble Court. The record of Nagpur Bench go back to 1960-69 shows that his figure in the legal field was very prominent. We get the glimpse of the said great personality from his decisions on the different important subjects. He was a Judge of humility and always kept basic principle in his mind i.e. Prayer of Judge, which he used to pray before coming on dias. I noted down the said prayer.

"May God give me grace to here patiently.
To consider~iliently and to decide justly,
May God grant me due sense of humility so that I may not
be misled by my vanity or egoism,
May God help me to administer proper Justice without fear or
favour of anybody."

Today Justice Abhyankar is not with us but the principle and his
ideals laid down by him will remain with us for ever. On behalf of
A.A.W.L.I. pray that his soul will remain in peace and his wife who is
90 years old and other family members will get strength to bear the said
loss..