

**Reference on the death of Mr. R.S. Bavdekar, retired Judge of the Bombay High Court, on Friday the 20<sup>th</sup> October 1961.**

**The Honourable the Chief Justice Mr. H.K. Chainani :**

Mr. Advocate General, Mr. Government Pleader, President of the Incorporated Law Society, and members of the Bar.

We meet this morning to mourn the loss of a distinguished ex-Judge of this High Court, Mr. Bavdekar, who died in very tragic circumstances last night. He was a great personal friend of mine and the news of his death came to me as a great shock.

Mr. Bavdekar joined the Indian Civil Services in 1922, after receiving his education in the Deccan College at Poona and at Cambridge. After serving for a few years as Assistant Collector and Magistrate, he was posted to the Judicial Department in 1927. Thereafter he served in different places as an assistant Judge and as a District Judge. In 1934 he was brought to the High Court as the Registrar. He served here for three years. Thereafter he returned to the districts and was posted to different places as a District Judge. In 1945 he became a Judge of this Court. He soon made his mark and impressed every one by his ability, by his sharp intellect and by his great desire to do justice. I had the good fortune of sitting along with him on the Bench for a very long period. In fact for most of the time in my earlier years in this Court we sat together on the Bench. From personal knowledge I know how anxious he used to be to do justice. He treated everybody alike and did not allow anything extraneous to affect his judgement. The only considerations, which weighted with him, were those which were based on the record.

Mr. Bavdekar had a high sense of public duty. He was not keeping good health when he was offered the Chairmanship of the Commission appointed to inquire into the recent Poona floods. But out of a sense of high public duty he accepted this post.

He was a great reader. He played a prominent part in the affairs of the Royal Asiatic Society, of which he was a Vice-President for several years. He had a wide circle of friends. Everybody who came in contact with him admired him and respected him. To his colleagues in the High Court he was a source of great strength. I was one of those, who was lucky to enjoy his friendship and I shall always cherish the memories of this friendship. In him many of us have lost a great personal friend and the nation a devoted public servant.

On behalf of my colleagues and myself I wish to convey to his relations our great sympathy in their sad bereavement. May his soul rest in peace.

## **The Advocate General :**

My Lords, on behalf of the Bar I associate myself with what has fallen from My Lord the Chief Justice. I had not the advantage of a close personal contact in Court with the late Judge and I am not able to speak with that knowledge which comes from constant appearance in a Court. But the large number of my friends who appeared before him were struck by one characteristic which they notice, viz., an openness of mind to the last. A very close friend told me that he was arguing a case and the judgment which went against him was in fact being dictated, when he discovered that he had left out an extremely important case which, had it been cited, might have produced a different result. The learned Judge heard him on that point, read the case and reversed the judgment which he had formerly dictated. That is a quality commendable at all times in Judicial office. However, I had a very pleasant personal association in a slightly different capacity. He happened to be my client in matters connected with the Turf Club and an extremely satisfactory client he made, for after explaining things to me he said : "Well, you must not allow yourself to be influenced by what I have said. It is your duty to advise, and we will follow your advice."

On behalf of the Bar I join Your Lordships in conveying to his relations our warmest sympathies, and the Bar desires to extend to Your Lordships its warmest sympathies in the loss of a dear colleague and a close friend.

## **The Government Pleader :**

My Lords, on behalf of the Bar I associate myself with what has fallen from My Lord the Chief Justice and what the learned Advocate General has said just now.

We have assembled under the shadow of a great tragedy. A retired Judge of this Court, MR. Bavdekar, has met his end by an accidental fall from the fourth storey of his house. Never before according to my knowledge has a Judge of this Court, either sitting or retired, met with such terrible disaster, and never before have the hearts of friends melted with more genuine grief. Mr. Bavdekar was born in a poor but respectable family at Kolhapur. Even in his childhood he made a mark by his sharp intellect and everybody thought that he was pre-eminently fitted to be sent out to the United Kingdom for competing for the I.C.S. But the limited means of his family could not allow that costly adventure, and it was left to a few kind-hearted friends to collect for him the funds that financed his education and his stay in the United Kingdom. The expectations of his friends were more than fulfilled when he passed out the I.C.S. Examination. When he came to India he was appointed an Assistant Collector, first in Nasik and then in East Khandesh. It was during this period that he laid down the foundation of that sound knowledge of the law of Land Revenue and Watans which he brought to bear upon the cases which later he was called upon to decide as a Judge of this Court.

Soon Mr. Bavdekar switched over from the revenue to the judiciary and in 1945 he became a Judge of this Court. Few of us had the privilege of seeing him in action either

as an Assistant Judge or as a District Judge. But we are told that Mr. Bavdekar began his career as a Judge as a very mute and non-speaking Judge. By the time he came to the High Court we found him one of our most talking Judges. But even though he talked much, never was a good argument either cut down or wasted in his Court. His approach to the questions which he was called upon to decide was bold and unorthodox. A straightforward man and fearless in the expression of his views, Mr. Bavdekar was indeed a great Judge, whose death we will mourn for a long time to come.

Mr. Bavdekar never married and his only companion in life was his loving and his affectionate sister, and today there is no woman in the world who feels more lonely and more wretched than Miss Bavdekar. Let the sympathies of our hearts be mingled together and directed towards her in order to attempt to alleviate the suffering which she must be bearing in this terrible disaster. May his soul rest in peace.

**Mr. C.C. Shah, Incorporated Law Society :**

On behalf of the Bombay Incorporated Law Society and members of my profession, I wish to associate myself with the expression of grief on the sad demise of Mr. Justice Bavdekar. The members of my profession has not the opportunity of coming into closer contact with him, but we are aware that after a very distinguished career as a public servant and as a Judge of this Court, he retired and ever at the time of his death he was engaged in the discharge of a very useful public duty and we were confident that he would have discharged it with distinction. The tragic circumstances under which he met with his death makes us all the more sympathetic towards the members of his family. After his retirement we were looking forward to a very useful career of public service, which unfortunately has been cut short by a tragic accident. I join Your Lordships, the Advocate General and the Government Pleader in extending our warmest sympathies to the members of his family. May his soul rest in peace.

**Mr. T.N. Walavalkar, President, Western India Advocates Association :**

On behalf of the Western India Advocates' Association I associate myself with the sentiments expressed by Your Lordships, the Advocate General and the Government Pleader. I had close association with him as a Judge. As a Judge he had high sense of justice. He used to suggest to the advocates the cases which he found were referred to in text books or in any unreported decisions. He helped the juniors by suggesting to them the way in which they should argue their cases. He was not a respecter of personalities. He treated seniors and juniors equally and gave equal treatment to all. If a senior was engaged by a junior and the senior happened to come late, he used to ask the junior to begin and once the junior began he never allowed the senior to intervene. That is the great thing and he established that tradition, He had a high sense of justice.

I pray to God that his soul may rest in peace.