

ADDRESS BY THE HON'BLE SHRI JUSTICE A.P. SHAH, ACTING CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE REFERENCE TO LATE MR. KHARSHEDJI HORMASJI BHABHA, SENIOR COUNSEL, ON WEDNESDAY, 30TH JUNE, 2004.

Sister Justice Tahilramani, Mr. Bhosale, Chairman, Bar Council of Maharashtra & Goa, Mr. Dada, President of the Bombay Bar Association, Mr. Joshi, President of Advocates' Association of Western India, Mr. Mehta, President of the Incorporated Law Society, Members of the Bar, Ladies and Gentlemen,

We have assembled here today to mourn the sad demise of Mr. Kharshedji Hormasji Bhabha, who left for his heavenly abode on 24th of May 2004.

Born on 8th August, 1915, Mr. K.H. Bhabha matriculated from St. Xavier's School, Bombay in 1931 being ranked among the 1st ten students at the examination. He joined St. Xavier's College from where he graduated in French Literature in 1935 (with First Class Honours, ranked first at the Intermediate Arts as well as final B.A. examinations). He obtained the LL.B. in 1937 again being ranked first at both 1st and 2nd LL. examinations.

Having qualified at the Original Side examinations (on his first attempt), Mr. Bhabha was admitted as an Advocate (O.S.) of the High Court, Bombay. His father strongly advised him and Mr. Bhabha felt that he must heed to his father's advice. Consequently, he spent a year with Mr. Dinshaw Daji, Payne & Co. On admission to the Bar, he joined the Chambers of the legendary, Sir Jamsetji Kanga, of whom Mr. Palkhiwala said "*If a man were to go by chance into the Court and hear Sir Jamsetji Kanga argue for a few moments, he would say this is an extraordinary legal mind*". Mr. Bhabha imbibed many qualities of his senior like broad thinking, almost photographic memory, well hilt professional habits and trusting ways.

Mr. Bhabha virtually dominated the Original Side in 1950s and 1960 and he was in great demand and appeared in almost all important matters on the Original Side. In every important appeals on the Original Side, Mr. Bhabha would be there on one side or the other. He successfully defended the Gold Control Rules framed under the Defence of India Rules, 1962. He successfully argued the Reference under the Employees State Insurance Act, 1948 in which the High Court held that the Rule framed by the State Government prescribing the period of limitation for the Corporation to recover employees' contributions from defaulting employers was *ultra vires*. He also appeared in the celebrated case of Sir Currimbhoy Ibrahim Baronetcy Repeal Act of 1969. He represented the Central Government in the famous *Voltas* case where the scope of Section 4 of the Central Excise and Salt Act, 1944 was considered on the wholesale cash price. Mr. Bhabha appeared for the Central Government in most of the Central Excise Act, Sea Customs Act and Customs Act matters in the 1960s and early 1970s. Mr. Bhabha was known for his integrity and honesty and was highly respected by the Central Government Departments.

Late Mr. K.H. Bhabha flourished under the guidance of his mentor, Sir Jamsetji. Mr. Bhabha's juniors also achieved great name and fame in the legal profession. One adorned the office of Solicitor General and the other Attorney General. To see them growing and reaching great heights gave him a true sense of fulfilment.

Mr. Bhabha was an astute lawyer, but the law was not the only thing he found on this green earth. He also pursued his hobbies with the same fierce zeal and dedication he brought to his work; music and horse-riding were his past-times. He was one of the founder-members of the Amateur Riders Club in Bombay.

Mr. Bhabha was totally devoted to his family – his wife and three children.

In this hour of grief, on my behalf, on behalf of my esteemed colleague, and on behalf of all of you assembled here, I convey my heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear this great loss and may the departed soul rest in eternal peace.

REFERENCE BY MR. SURESHCHANDSRA BHOSALE, CHAIRMAN, BAR COUNCIL OF MAHARASHTRA & GOA, TO LATE MR. KHARSHEDJI HORMASJI BHABHA, SENIOR COUNSEL, ON WEDNESDAY, 30TH JUNE, 2004.

My, Lord the Honourable Acting Chief Justice Shri A. P. Shah, Your Ladyship Smt. V.K. Tahilramani, Shri Balkrishna Joshi, the President of Advocates Association of Western India, Shri Rafiq Dad, President of Bombay Bar Association, Shri Prakash Mehta, President of Incorporated Law Society, Members of the bereaved family and Members of the Bar.

Mr. K.H. Bhabha had consistent good academic record having owned all prizes and scholarships during his legal education. He created history in the record of Bombay University. Bhabha himself was the "Law University". He was teacher of teachers and lawyer of lawyers, as can be seen from the existing pieces of evidence in the legal profession.

Mr. Bhabha was educationist, eminent jurist and noted social worker. He was lantern for many generations of advocates. In the days of scarcity of moral values, and dedication to the profession, the departure of Mr. Bhabha is an irreparable loss to the legal profession.

I, on behalf of all advocates in the States of Maharashtra & Goa, pray the almighty that let the departed soul rest in peace.

REFERENCE BY MR. RAFIQ DADA, PRESIDENT, BOMBAY BAR ASSOCIATION TO LATE MR. KHURSHEDJI HORMASJI BHABHA, SENIOR COUNSEL, ON WEDNESDAY, 30TH JUNE, 2004.

My Lord the Chief Justice, Mrs. Justice Tahilramani, Mr. Joshi, Mr. Mehta, ladies and gentlemen.

On behalf of the Bombay Bar Association, I join in the condolence extended by my Lord, the Chief Justice, on the death of Mr. K.H. Bhabha.

Mr. Bhabha, Khurshedji Bhabha as we called him, was one of our oldest and senior most advocates. He practiced for over six decades before he left for his heavenly abode.

Mr. Bhabha came from the Chambers of Sir Jamshedji Kanga, one of the great legends of the Bar. He had as his chamber colleagues Mr. H.M. Seervai, Mr. Nani Palkhiwala, Mr. Rustom Kolah and Mr. Marzban Mistree.

The law reports are replete with cases in which Khurshedji Bhabha appeared. Important constitutional matters were conducted by him. This Court has been witness to many matters conducted by Mr. Bhabha. His expertise extended from trials in witness actions to constitutional matters. Khurshedji followed the old tradition of appearing for all his clients who offered him a brief. For many years, he was in the Special Panel of Senior Counsel who appeared for the Central Government. As a Central Government Counsel, he appeared in matters of Excise, Customs, Foreign Exchange and under the Custodian of Evacuee Property. His canvas of practice was vast and his expertise immense.

Mr. Bhabha will be remembered for many of his qualities. The most important quality was his industry and capacity for hard work. Every junior who appeared with him knew that he studied the cases thoroughly. He read the brief very carefully. He examined every angle. He was ready for every answer. Such was his preparation, that as mentioned by Mr. Nariman, his first junior, he was "virtually unplayable" as an opponent.

Khurshedji was a great lover of sports. Many years ago we had an yearly traditional cricket match between Advocates and Solicitors. Khurshedji was our Captain. He took even this seriously. I remember in the year I was asked to play, he called us for Net Practice at the Oval before the day of the Match. He loved horse riding and rode his favourite horse till a very advanced age.

In the latter years of his life he accepted no work in court but he came to the Bar Library. He sat quietly in the research section looking up new case law. He chatted with the junior advocates sitting there. Few of them knew that they were chatting with the great Khurshedji Bhabha.

Khurshedji will be sorely missed. Fate had prepared us for his departure as in the last two years, his visits to the Bar had stopped. But he continued to be with us through his juniors. Perhaps no senior at the Bar can boast of juniors as great as Mr. Bhabha. His juniors include Mr. Fali Nariman, Mr. Soli Sorabji, Mr. Khambatta, Ms. Obed Chinoy, Mr. Avinash Rana and Mr. Iqbal Chagla. His juniors are today the icons of the Bar. The Bhabha legacy lives on through them and through the legions of their juniors.

On behalf of the Bombay Bar Association, I extend my condolence to Mrs. Bhabha, Members of the Bhabha family and the members of the Khurshedji Bhabha's Chamber. Khurshedji Bhabha will go in the history of this Court as a Great Senior Advocate who left an indelible mark on the law.

REFERENCE BY MR. BALKRISHNA JOSHI, PRESIDENT, ADVOCATES ASSOCIATION OF WESTERN INDIA, TO LATE MR. KHARSHEDJI HORMASJI BHABHA, SENIOR COUNSEL, ON WEDNESDAY, 30TH JUNE, 2004.

The Hon'ble the Acting Chief Justice Shri A.P. Shah, the Hon'ble Smt. Justice Tahilramani of the High Court of Judicature at Bombay, Shri Rafiq Dada, President of Bombay Bar Association, Shri Prakash Mehta, President of Incorporated Law Society and friends.

Sir, I fully endorse the views expressed by the Hon'ble the Acting Chief Justice and my colleagues and I beg to add few words.

Sir, it is really necessary to pay tribute to Shri Kharshedji Bhabha, a great lawyer of this High Court, who expired on 24th May, 2004. Shri Bhabha was born on 8th August, 1915 and he matriculated from St. Xavier School, Bombay, in the year 1931. After his matriculation he joined St. Xavier College from where he graduated in French literature in the year 1935 with First Class (Hon). He obtained the LL.B. degree in the year 1937 again being ranked First at both First and Second year LL.B. examinations and won several prizes and scholarship. Having qualified at the Original Side examination he joined the chambers of Sir Jamsetji Kanga at the High Court, Bombay. In the year 1954 Shri Bhabha spent some months in London studying Estate Duty Law. Shri Bhabha had an outstanding academic career winning numerous academic prizes. Shri Bhabha acquired large practice and was one of the leading senior Advocate of the Bombay High Court. He had a large number of juniors such as Shri Fali Nariman, Shri Soli Sorabji, Shri Iqbal Chagla and Shri Avinash Rana amongst others, who are themselves senior Advocates of this Hon'ble Court and the Hon'ble Supreme Court of India.

Sir, Shri Karshedji Bhabha was the leading lawyer on the Original Side of the Bombay High Court during the period 1950 to 1970. Shri Bhabha was a lawyer of over 60 years standing and he appeared in almost every appeal which was heard and decided on the Original Side of the Bombay High Court during the said period. Shri Bhabha was in demand throughout India in respect of Evacuee Property Act matters. Shri Bhabha appeared for Central Government as a Senior Counsel in Central Excise, Customs and Foreign Exchange matters. Shri Bhabha argued on behalf of the Central Government in famous Voltas value case of Central Excise. Shri Bhabha appeared for Central Bank before Hon'ble Shri Justice K.T. Desai who was appointed as one man National Tribunal for banking companies. His services were appreciated by Hon'ble Shri Justice K.T. Desai. Shri Bhabha defended Gold Control Rules successfully. Shri Bhabha also appeared in Sir Currimbhoy Ebrahim Baronetcy Repeal Act case.

In 1969 Post Bank Nationalisation Shri Bhabha was appointed as a Director on the Board of Bank of India and he always described his experience as a valuable learning one particularly from social welfare angle. Shri Bhabha was totally devoted to his family his wife and 3 children. He also pursued his hobbies with the same zeal and dedication he brought to his work. Music and Horse Riding were his favourite past times. Shri Bhabha was one of the founder member of Amateur Riders Club at Bombay.

Sir Jamshetji Kanga was the mentor of Shri Bhabha and his senior taught him never handle one's own professional matters, these are always to be entrusted to the professional colleague of your choice. Sir Jamshetji used to affectionately referred to Kharshedji as Lord Bhabha. Shri Bhabha was a very hard working person and though he had competent juniors he never left his work to juniors. Shri Bhabha was highly respected throughout India and also by Central Government, particularly by Income Tax Department. Shri Bhabha was known for his integrity.

The members of the Association share the grief of the members of Bhabha family and we sincerely hope that the family of Shri Bhabha will find courage to bear this loss. **MAY GOD REST HIS SOUL IN PEACE.**

REFERENCE BY MR. PRAKASH MEHTA, PRESIDENT OF BOMBAY INCORPORATED LAW SOCIETY, TO LATE MR. KHARSHEDJI HORMASJI BHABHA, SENIOR COUNSEL, ON WEDNESDAY, 30TH JUNE, 2004.

My Lord the Chief Justice, Your Ladyship Mrs. Justice Tahliramani, Mr. Bhonsle, Chairman of the Bar Council of Maharashtra & Goa, Mr. Rafiq Dada, President of the Bombay Bar Association and Mr. Joshi, the President of the Advocates Association of Western India.

On behalf of the Bombay Incorporated Law Society, I express condolences on the sad demise of Mr. K. H. Bhabha.

With respect, I concur with what, the Chairman of the Bar Council of Maharashtra & Goa, the President of the Bombay Bar Association and the President of the Advocates Association of Western India have submitted at your Lordships' Bar today. Khurshedji, as he was affectionately known, was the epitome of geniality towards one and all. It was always a pleasure to work with him.

He believed in living a fuller life beyond the confines of the profession and he lived by that principle. I cherish the fatherly advice that he gave me many years ago, not to let professional work to become an obsession that would result in neglect of my family or my other personal interests.

In the passing away of Mr. Bhabha, we have lost not only a much loved and respected Senior Lawyer but also a true gentleman.

On behalf of the Bombay Incorporated Law Society, I wish to convey to the members of his family our heart felt condolences.

May his soul rest in peace.
