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**ADDRESS BY HON'BLE THE CHIEF JUSTICE SHRI  
DIPANKAR DATTA, AT THE FULL COURT REFERENCE IN  
THE MEMORY OF LATE PRAMOD SHANTARAM BRAHME,  
FORMER JUDGE OF THE BOMBAY HIGH COURT IN COURT  
HALL NO.1, HIGH COURT BUILDING, AURANGABAD, ON  
14<sup>th</sup> FEBRUARY, 2022 AT 10 AM**

My esteemed Sister and Brother Judges,

Shri A.G. Talhar  
Assistant Solicitor General, High Court Bench at Aurangabad,

Shri D.R. Kale  
Government Pleader, State of Maharashtra, High Court Bench  
at Aurangabad

Shri V.D. Salunke, Member,  
Bar Council of Maharashtra & Goa

Smt. Pratibha J. Bharad,  
Vice-President, Advocates' Association of Bombay High Court at  
Aurangabad

Esteemed Senior Advocates and other learned members of the  
Bar,

Bereaved members of the Brahme family,

Members of the Registry and the staff,

Ladies and Gentlemen!

We have gathered this morning to pay tribute to late  
**JUSTICE PRAMOD SHANTARAM BRAHME**, an esteemed and  
renowned former Judge of the Bombay High Court, who left for

his heavenly abode on the 28<sup>th</sup> January, 2022 at the age of 77 years.

Parting is always painful and distressing and it is no less different with the demise of His Lordship Justice P.S. Brahme. However, although His Lordship is not amongst us today, he will certainly be remembered for all the high qualities that he possessed and exemplified during the period he spent on the bench of this Court, i.e., honesty, determination, commitment and simplicity.

Justice Brahme was born on 27<sup>th</sup> March, 1945. After graduating in Science with Honours, His Lordship obtained the Bachelor's Degree in Law with First Class. His Lordship was enrolled as an Advocate under the Advocates Act, 1961 on August 8, 1968 and started practising in the Courts at Sindkheda Taluka and the District Court at Dhule, in both civil and criminal matters. The judicial career of His Lordship commenced on February 25, 1974 as a Civil Judge, Junior Division. Thereafter, His Lordship worked in different capacities, *inter alia*, as a Family Court Judge at Mumbai and Aurangabad. His Lordship was instrumental in establishing the Family Court at Aurangabad and was the first Judge of the said

Court. In due course of time, His Lordship was promoted as a District Judge on 15<sup>th</sup> March 1990.

After rendering more than 25 years of untiring service in the district judiciary, His Lordship was elevated as a Judge of the Bombay High Court on 27<sup>th</sup> September, 1999. His Lordship happened to be one of the very few Judges of the Bombay High Court during the last 25 (twenty-five) years to have been appointed as a permanent Judge from day one. Having been a Judge of this Court for a little less than 8 years, His Lordship demitted office on 27<sup>th</sup> March, 2007.

During His Lordship's tenure as a Judge of the Bombay High Court, Justice Brahma rendered innumerable and notable judgments, which not only ensured fairness and justice to one and all but also have immense precedential value. Incidentally, His Lordship was a member Judge of at least 3 (three) Full Benches.

Few of such judgments are:

- i) **St. Francis De Sales Education Society, Nagpur & another vs. State of Maharashtra & another. [2001 (3) Mh.L.J. 261].** – This was a case dealt with by the Full Bench of this Court of which His

Lordship was a Member. It was held that Minority educational institutions cannot be directed to appoint teachers or other staff on the basis of reservation policy laid down by State under Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

- ii) **MSRTC, Nagpur vs. Premal Khatri Gajbhiye, [2003 (3) Mh.L.J. 1025]**-This was again a decision by the Full Bench of this Court of which His Lordship was a Member. It was held that under MRTU & PULP Act, 1972, non-implementation of Settlement still in force is unfair labour practice of recurring nature.
- iii) **Anil Dattaraya Ade vs. Presiding Officer, School Tribunal, Amravati Region, Amravati & others, 2003 (3) Bom.C.R. 465 -**  
This was also a decision rendered by the Full Bench of this Court to which His Lordship was a Member. It was held that all schools imparting education or training below degree level including institutions imparting technical or vocational education recognised by the Director of Education or Director of Technical Education falling within the category of private schools are governed by the provisions of Maharashtra Employees of Private Schools Act and Rules of 1981 thereunder.
- iv) **Shikshan Prasarak Mandal & others vs. Laxmikant Balkrishna Joshi & Others (2004 (3) Bom.C.R. 85)**  
The decision in this case rendered by a Division Bench of this Court at Nagpur wherein it was held that power under Rule 7 of Chapter 1 of Bombay High Court (A.S.) Rules under which Division Bench referred matter to Full Bench is distinct and separates than the one under Article 226 and can be invoked for limited purpose to resolve inconsistency on the point of law.

v) **Narhari s/o. Kisan Khodave & another vs. State of Maharashtra, 2004 ALL MAR (Cri.) 1932**

This was case decided by His Lordship as a learned Single Judge wherein it was held by His Lordship that if the testimony of prosecutrix is found to be sufficient to satisfy judicial conscience, then, minor discrepancies here and there not touching the basic fabric or core of the testimony of the prosecutrix will have to be excused.

Post-retirement, His Lordship was appointed as the Commissioner for Narmada Sarovar Grievance Committee. Thereafter, His Lordship was the Presiding Officer of the College Tribunal at Aurangabad where His Lordship worked with the same degree of efficiency and competence.

Apart from official assignments, His Lordship had keen interest in sports, reading books as well as spiritual literature.

I am informed that His Lordship was always motivating and inspiring everyone associated with His Lordship. I am also informed by one of his colleagues that His Lordship was a low-profile person, but extremely warm and sincere and was one of the very few Hon'ble Judges, who endeared himself to the Bar and His Lordship's colleagues. His Lordship perfectly fitted in the definition of 'a noble man' who, after his innings here on this Earth, is now in a happier place.

His Lordship is survived by his wife, Smt. Vidya Brahme, son, Shri Shailesh Brahme, and daughter, Smt. Tejaswini Prasad Deshpande, who is a teacher in a private school at Nagpur. Shri Shailesh Brahme has been practising law for the last 25 years with repute. I hope and trust that the family members of Justice Brahme would faithfully carry forward the principles of hard work, dedication, work ethics and moral values left behind by His Lordship.

On behalf of my esteemed colleagues and on my personal behalf, I extend my heartfelt condolences to the members of the bereaved family. I pray that the Almighty give them enough strength to bear the irreparable loss and also pray that the noble soul of Justice Brahme attains "sadgati".

Om Shanti ! Shanti !! Shanti !!!

## **Full Court Reference**

### **Late Hon'ble Shri. Justice P. S. Brahme**

My Lords, The Hon'ble Chief Justice of Bombay High Court, Hon'ble Shri. Justice S.V. Gangapurwala, Hon'ble Shri Justice A.S. Gadkari, Hon'ble Shri Justice V.K. Jadhav and Hon'ble Smt. Justice Bharati H. Dangre. The President of Advocate's Association, Members of the Bar Council of Maharashtra and Goa, standing counsels for the government of India and Government of Maharashtra, my esteemed colleagues at the Bar, Brothers and Sisters.

We are assembled here to mourn the departure of Justice P. S. Brahme from our lives. A towering nationalist jurist, a unique synthesis of spiritual slant, rationalist principles, Gandhian simplicity and legal Promethean who was a glowing example of "work is worship".

It is a difficult endeavour to encompass in so little time the radiance of this eminent Judge. Justice P.S. Brahme's journey of judgeship and judicial determination started in 1974, when he was appointed as a Civil Judge at JMFC and later in 1990 he was appointed as District Judge. In 1999 he was elevated to the High Court of Bombay and served as a High Court Judge at benches in Aurangabad and Nagpur. He was a liberal judge and his anchorage to people-oriented principles and social upliftment was always reflected from his flamboyant judgments. He was loved by his friends, family and all those people who surrounded him. Particularly I would mention his sacerdotal quality of treating his work as a true worship of supreme.

I don't believe a person has passed away if the name is still being uttered since to exist in the hearts of others is to never die. When a legendary jurist like P. S. Brahme went away, he became the judgments, the teachings to this court, the wisdom and his ideas, therefore he continues to live with us within these hallowed walls.

On behalf of the office of the Assistant Solicitor General of India and on my personal behalf I pay my tribute and salute Justice P. S. Brahme. With great reverence I convey my deep sorrow and grief to his family members. May they find strength to overcome this sadness. May his godly soul rest in eternal peace.

Om Shanti !



**Ajay Talhar**

Assistant Solicitor General of India

Aurangabad Bench

REFERENCE:

Date: 14.02.2022

Hon'ble The Chief Justice, Hon'ble Judges, Senior Advocates, President of Bar Association, Standing Counsel for Union of India, Members of the Bar Council of Maharashtra and Goa, my colleagues at the office of the Government Pleader, Friends, family members of late Hon'ble Justice Shri P.S. Brahme, former Judge of the Bombay High Court.

Today with heavy heart we gather here to pay homage to one of the towering personalities of our Bar - Hon'ble Justice P.S. Brahme, Former Judge of the Bombay High Court, who left us on 28.01.2022.

His Lordship was born on 27.03.1945. After completing his B.Sc. (Hons), he had completed LLB degree from I.L.S., Law College at Pune, he was enrolled as Advocate on 8<sup>th</sup> August, 1968 and started practice in the Civil Court at Shindkheda and thereafter in the District Court at Dhule in Civil and Criminal matters, his father was lawyer and freedom fighter. He joined judicial services as Civil Judge, Junior Division on 25/02/1974 and promoted as District Judge on 7<sup>th</sup> May, 1990. He was appointed as permanent Judge of the Bombay High Court on 27<sup>th</sup> September, 1999. He is retired on 27<sup>th</sup> March, 2007. His son namely Sailesh is practicing in this Court.

His Lordship had a unique, fast and justice oriented approach which he derived because he had experience of functioning of Government and scheme of Judiciary. His Lordship was finely communicative and had compassion oppressed and depressed class of society. His Lordship had punctually followed law of precedence. Many judgments delivered by His Lordship expresses inclination and

alienation towards compassion of weaker section of society and farmers.


His Lordship was a great man, a wonderful intellect and a great soul of matchless courage, We meet to pay a tribute of love and respect to His Lordship because he devoted His Excellency in the legal fraternity. A death is not the extinguishing of a light, but the putting out of the lamp because the dawn has come.

His Lordship had that compassion towards the sufferings of the litigants. His love for reading and learning was immense.

A great soul serves every one all the time. A great soul never dies. It brings us together again and again.

I pray Almighty of God that the departed soul may rest in peace.

On behalf of the State of Maharashtra and my colleagues at the office of the Government Pleader, I pay homage to Hon'ble Justice P.S. Brahme, Former Judge of Bombay High Court. Om Shanti.

  
[Dnyaneshwar R. Kale]  
In-charge Government Pleader  
High Court Bench at Aurangabad

## **SPEECH**

Hon'ble Lordship Shri. Dipankar Datta, Chief Justice, High Court Bombay, Hon'ble Shri. Justice, S. V. Gangapurwala, Hon'ble Shri. Justice, A. S. Gadkari, Hon'ble Shri. Justice, V. K. Jadhav, Hon'ble Justice, Smt. Bharati Dangre.

The Learned Additional Solicitor General, Shri. A. G. Talhar, The Learned Govt. Pleader, Shri. D. R. Kale, Shri. N. L. Chaudhari, President, Advocate's Association, High Court, Aurangabad, Family Members of Late Lordship, P. S. Bramhe and all the dignitaries present for reference.

It is deep sense of sorrow that, we have to come condole the passing away of Late Hon'ble Justice, Shri. P. S. Bramhe, Former Justice of Bombay High Court at Aurangabad. Late Hon'ble Judge, Shri. Pramod Shantaram Bramhe was born on 27.03.1945 at Amalner in the family of Freedom Fighter. His Father was a renowned Freedom Fighter. He completed his Graduation in Pratap College at Amalner and completed LLB Degree Course from ILS Law College, Pune. After enrolment with Bar Council of Maharashtra and Goa in the year 1968, he started practice at Shindkheda and Dhule. He was appointed as Civil Judge, Junior Division on 25.03.1974, promoted as District Judge and then elevated as a permanent Judge of Bombay High Court on 27.09.1999. During his long tenure as a Judge from 25.03.1974 to 27.03.2007, he dealt with many Civil, Criminal and Revenue matters. One of the characteristic of judicial services of Lordship Bramhe, he did purely judicial

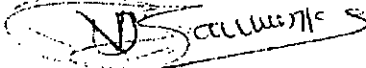
work. He was the instrumentality of the establishment of Family Court at Aurangabad. He was the first Judge of Family Court at Aurangabad. His Lordship was known for disposal of family dispute matters by counselling and mediation.

His Lordship Justice P. S. Bramhe was a sportsman and lived a discipline life. Even after retirement, I saw him regularly going for swimming. His Lordship's family was closely associated with the family of Sane Guruji at Amalner. His Lordship was keeping friendly relations with Senior and Junior Advocates. On the dais, Justice Bramhe was always calm and quite. His Lordship left for heavenly abode on 28.01.2022 at Aurangabad leaving behind our friend, Advocate Shri. S. P. Bramhe and a educated family. I myself personally and being a Member of Bar Council pay homage to the departed sole on behalf of all the Advocates from Maharashtra and Goa.

May his soul rest in peace.

OM Shanti !

DATE: 14.02.2022

  
**ADV. V. D. SALUNKE**  
**MEMBER**  
BAR COUNCIL OF MAH. & GOA

## *Reference*

My lord Hon'ble the Chief Justice, Hon'ble Shri Justice S.V. Gangapurwala, My lord's Hon'ble companion judges, members of the Registry, the Ld. Assistant Solicitor General of India, Aurangabad Shri. A.G.Talhar, Ld. Government Pleader Shri. D.R. Kale, Member of Bar Council of Maharashtra & Goa Shri V.D. Salunke, Designated Senior Councils, Secretary & other office bearers of High Court Bar Association, respected senior members of the Bar, my junior colleagues & family members of Hon'ble Shri. Justice P.S.Brahme.

We have assembled here today to mourn the sad demise of Former Judge of Bombay High Court Shri Justice P.S. Brahme. On behalf of High Court Bar Association & so also on my behalf join the sentiments expressed by My Lord the Chief Justice & feelings of grief & sorrows expressed by others.

One of the first & best memories of mine with Hon'ble Shri. Justice Brahme is that, in my early days of independent practice at High Court; the first reported judgment which was reported in the case in which I argued on behalf of accused was delivered by Hon'ble Shri. Justice Brahme. It was the case of premature release & Hon'ble Judge given an opportunity by appointing me as an Amicus Curie. I remember the first day of hearing. Noticing the legal aspects & severity of the offence, Hon'ble Justice was about to dismiss the case. I only had a short note of an old judgment of Hon'ble Apex Court which was little bit in my favor. By noticing my perseverance towards the case, the Hon'ble Justice granted me time to place the full text of that judgment. As at that time, due to unavailability of a search engine with me & that particular law journal at High Court Bar library, I went to the M.P. Law College library & District Court library to search it & there I found that citation. On the next date of hearing, by giving due weightage to the citation placed by me, Hon'ble Court, had given directions to the respondent authorities to reconsider the case of accused

for premature release. That judgment was reported in All Maharashtra Law Reporter. At that time being a junior member of the Bar & even today; it was the first & best experience ever for me which tend me towards hard work & which reflected the great personality of Hon'ble Shri. Justice Brahme.

The demise of Hon'ble Shri. Justice P.S. Brahme is a great loss for the legal fraternity. We have lost a great personality whether qualities, achievements & contributions.

On behalf of Bar Association & on my behalf; I express our deepest condolences & pray to God for the departed soul to remain in heavenly abode. With these words I conclude the message of condolence.

*P. J. W. M.*  
*for*

*Adv. Pratibha J. Bharad.*

*14.02.2022*