

SPEECH DELIVERED BY THE HONOURABLE SHRI M.B. SHAH,
CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY,
AT THE REFERENCE TO LATE MR. JUSTICE M.G. CHITALE,
ON 27TH JUNE 1996

Mr. C.J. Sawant, Advocate-General of Maharashtra, Mr. S.B. Sabnis, Chairman of the Bar Council of Maharashtra & Goa, Mr. I.M. Chagla, President of the Bombay Bar Association, Mr. S.M. Gupte, President of the Advocates' Association of Western India, Mr. A.S. Kajiji, President of the Incorporated Law Society, learned Members of the Bar, Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of late Mr. Justice M.G. Chitale, a retired Judge of this High Court, who passed away at Bombay on 5th June 1996 at the age of 86.

Late Justice Chitale was born on 7th January 1910. He had his early school education at Ratnagiri. At the age of 12 he lost his father, who was a practicing lawyer at Ratnagiri.

After graduation Justice Chitale served as a teacher and while serving as a teacher passed law examination. He entered legal profession in 1937 and joined the Chambers of his uncle, late Mr. G.B. Chitale, a leading lawyer on the Appellate Side. He mustered good practice on the

Appellate Side of this High Court. Occasionally he appeared before the then Federal Court and Supreme Court. As an Advocate he was meticulous, painstaking and well conversant with the factual and legal aspects involved. He conducted number of pauper briefs to vindicate the rights of the affected persons and at times by contributing his own money, time and energy for the cause.

He joined the judicial service in 1954 as a Judge of the Bombay City Civil Court and Sessions Court. He became Principal Judge of that Court in 1960. The trial of famous case popularly known as "Marrying machine case" was held before him and decision was later confirmed by the High Court. I am told that a Marathi drama "To Me Nawvech" is based on this trial.

~~In December 1960 he was elevated as a~~
Judge of this High Court and retired in January 1972. His famous decisions, during his tenure in this High Court, I am told are (1) Coronor Malkani's case wherein his decision that tape recorded conversation of the accused person can be held as admissible piece of evidence against him was upheld by the Supreme Court and (2) Bhiwandi

Nijampur Nagarpalika case wherein he ruled and interpreted the expression "good faith" to mean "moral uprightness".

After retirement from High Court, he served as a President, Industrial Tribunal, Bombay till 1976. During this tenure he functioned as an Industrial Tribunal at Goa and the famous Coca-Cola dispute was decided by him way back in 1975.

Justice Chitale had a tremendous soft corner for teachers. He was associated with several educational institutions at Bombay and even after retirement he dedicated his life to the social cause, mainly to those of educational institutions.

Throughout his life he led a simple life. Urge to be of some help to others at all times always kept him fit as a fiddle. His family also proved an alley in his cause and endeavour.

After a long and distinguished career, he has now passed into history. Our sympathies go out to the members of his family on this sad occasion. He will always be remembered with affection by all who knew him.