

SPEECH OF HON'BLE THE CHIEF JUSTICE SHRI DIPANKAR DATTA, AT THE FULL COURT REFERENCE IN MEMORY OF LATE SHRI JUSTICE JAYANT GOVIND CHITRE, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON FRIDAY, JULY 30, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

My esteemed Sisters and Brother Judges,

Shri Ashutosh A. Kumbhakoni, Advocate General of Maharashtra,

Shri Vitthal Konde-Deshmukh, Member and Former Chairman, Bar Council of Maharashtra & Goa,

Shri Nitin Thakkar, President, Bombay Bar Association,

Shri Kuldeep Patil, Secretary, Advocates' Association of Western India,

Mr.Kaiwan Kalyaniwalla, President of Bombay Incorporated Law Society,

Esteemed Learned Senior Advocates,

Members of the Bar,

Members of the bereaved family,

Members of the Registry and the staff,

Ladies and Gentlemen,

We have assembled this morning to mourn the sad demise of late Justice Jayant Govind Chitre, a former Judge of the Bombay High Court, who departed for his heavenly abode on 21st June, 2021 at the age of 79 years, at Pune.

Justice Chitre was born on 21st January, 1942. Having obtained a Bachelor's Degrees in Commerce, Justice Chitre graduated in law and enrolled as an advocate on 27th June, 1964. In due course of time, Justice Chitre built up substantial practice in criminal and civil matters, in the Jalgaon and Dhule District Courts.

Justice Chitre entered the Judicial Service on 11th July, 1978 as a District Judge from the Bar. After competently discharging duties as a member of the district judiciary, Justice Chitre was appointed as an Additional Judge of the Bombay High Court on 20th January, 1994, i.e., a day prior to his 52nd birthday, however, His Lordship was transferred to the Madhya Pradesh High Court on 8th February, 1994. His Lordship was appointed as a permanent Judge on 18th February, 1995 and thereafter transferred back to the Bombay High Court on 31st August, 2001. His Lordship demitted office as Judge of the Bombay High Court on 20th January, 2004.

During his tenure as a Judge, Justice Chitre delivered several judgments on various important law points concerning criminal as well as civil laws, such as the N.D.P.S. Act, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Guardian and Wards Act and Family Courts Act, etc.

I did not have the occasion to personally know Justice Chitre, but what I have heard is, Justice Chitre was a very distinguished Judge of this Court, who commanded respect both from the Bar as well as the Bench. Justice Chitre was an amiable and courteous human being with a fine blend of judicial conduct which reflected his deep learning and adjudication skills. His Lordship was known to be upright and straightforward throughout his career. Passing away of Justice Chitre is indeed a great loss for the society.

Justice Chitre is survived by his daughter, son-in-law, daughter-in-law and grand-daughters.

On behalf of my esteemed colleagues and on my personal behalf, I convey heartfelt condolences to the members of the bereaved family and pray to the Almighty to give them the strength to bear such irreparable loss with fortitude. I also pray to the Almighty that the noble soul of Justice Chitre attains "Sadgati".

Om Shanti, Shanti, Shanti!!!

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SPEECH OF SHRI ASHUTOSH KUMBHAKONI, ADVOCATE GENERAL FOR MAHARASHTRA, AT THE FULL COURT REFERENCE IN MEMORY OF LATE HON'BLE SHRI JUSTICE JAYANT GOVIND CHITRE, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON FRIDAY, 30TH JULY, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

Hon'ble the Chief Justice Shri. Dipankar Datta,

Hon'ble Judges of the Bombay High Court,

Shri. Vitthal Konde-Deshmukh, Member and Former Chairman, Bar Council of Maharashtra & Goa,

Shri. Nitin Thakkar, President, Bombay Bar Association,

Shri. Kuldeep Patil, Secretary, Advocates' Association of Western India,

Mr. Kaiwan Kalyaniwalla, President of Bombay Incorporated Law Society,

Learned Senior Advocates,

Members of the Bar,

Members of the bereaved family,

Members of the Registry and the staff,

Ladies and Gentlemen,

Please permit me to address also on behalf of Mr. Anil Singh, the learned Additional Solicitor General, who, on account of his personal difficulty, has not been able to be with us today.

I was not fortunate to have a longer first-hand experience of the excellent qualities, which Justice Chitre, exhibited, not only as a Judge of the Hon'ble High Court, but also as a great human being. I have personally conducted very few matters before him. Unfortunately, none of these matters were worth taking valuable quality time of Justice Chitre and therefore, could not last for more than about 5-10 minutes.

Even during this short interaction, I personally found that Justice Chitre could grasp the core issue involved in the matter instantly and could conclude the proceedings in a very short time, while giving full satisfaction to both the sides that their case has been appreciated appropriately by Justice Chitre.

Numerous Judgments delivered by Justice Chitre, have been reported in various law reports, some of which have been mentioned and I am sure, some others will be mentioned by the speakers, who will address after me. Let me mention a few, some of which have been followed consistently and have received a stamp of approval and resultant, affirmation by various Hon'ble Courts.

In the case of Mamta Jaiswal reported in 2000 Vol.3 M.P.LJ Page 100 Justice Chitre dealt with a case of highly qualified married woman, seeking interim maintenance from her husband, on the ground that though she was employed earlier and was earning handsome salary, recently her services were terminated and that she was not earning even a single rupee, requiring her husband to provide her interim maintenance. While dismissing her claim, Justice Chitre dealt with the issue as to whether or not the wife having capacity to earn her livelihood, chooses to remain idle, could be permitted to saddle her husband with expenditure towards her maintenance. Answering the issue in the negative, Justice Chitre held that the wife, who is well-qualified to get a job immediately, is not expected to remain idle and squeeze out from her husband the amount of maintenance. He held that in such a case, it must be proved as a pre-requisite for claiming maintenance that, in spite of sufficient efforts made by the lady, claiming maintenance, she was not able to get a job and that therefore, she was unable to support herself. A judgment that is invariably relied by the lawyers representing husbands in the family Court.

Justice Chitre was a strong supporter of principle of natural justice. He reinstated an employee, only on the ground that he was not given just and proper opportunity to defend himself, in a case where the employee was charged with a

serious allegation of committing an act of forgery in using the official seal of Grampanchayat, for preparing bogus ration cards. This is the case of Omprakash Vs. State of M.P. reported in 2001 (3) MPHT 144.

Crystalizing the principles, which govern acceptability or otherwise of a dying declaration, Justice Chitre confirmed conviction of a husband, who was charged with an offence punishable under Section 306 and 498A of the Indian Penal Code. This Judgment was delivered by Justice Chitre in the case of Ganesh Jadhav Vs. State of Maharashtra on 4th November, 2003.

These Judgments are testimony of the fact that Justice Chitre dealt with ease matters, relating to various fields of law, be it criminal, service matters or matrimonial cases, to name a few.

Very soft spoken yet very firm and decisive was Justice Chitre. It was always a pleasure to conduct matters in his Court.

In passing away of Justice Chitre, we have lost a very decent and good Judge apart from losing a thorough gentleman.

I join in the sentiments expressed by My Lord Hon'ble the Chief Justice and express my deepest condolences to bereaved family.

May his soul rest in peace.

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SPEECH OF SHRI. VITTHAL KONDE-DESHMUKH, MEMBER AND FORMER CHAIRMAN, BAR COUNCIL OF MAHARASHTRA & GOA, AT THE FULL COURT REFERENCE IN MEMORY OF LATE SHRI JUSTICE JAYANT GOVIND CHITRE, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON FRIDAY, JULY 30, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Mr. Kaiwan Kalyaniwalla, President of Bombay Incorporated Law Society,
Learned Senior Advocates,
Members of the Bar,
Members of the bereaved family,
Members of the Registry and the staff,
Ladies and Gentlemen,

We have assembled here today not only to mourn the sad demise of late Justice Jayant Chitre, a distinguished Judge of this Hon'ble Court who left for his heavenly abode on June 21, 2021 at the age of 79 but also to recount and share memories and experiences about him as a person along with his qualities, his achievements and contributions.

Justice Jayant Chitre left for his heavenly abode on June 21, 2021. Justice Jayant Chitre was born on January 21, 1942. He was enrolled as an Advocate with the Bar Council of Maharashtra & Goa on June 27, 1964 and started his practice in the Jalgaon and Dhule District Courts on Criminal as well as Civil side. He entered into the Judicial Service on July 11, 1978 as a District Judge from the Bar. He was appointed as an Additional Judge of the Bombay

High Court on January 20, 1994. He was then transferred to the Madhya Pradesh High Court on February 8, 1994 and was appointed as a permanent Judge on February 18, 1995. Justice Chitre was transferred back to the Bombay High Court on August 31, 2001. Justice Chitre retired on January 21, 2004.

I had an occasion to appear before Justice Chitre as an Additional Public Prosecutor in many matters in this Hon'ble Court. Justice Chitre was one of the finest Members of the Bar. He had spent a considerable amount of time as a Judge in the District Courts as well as in the High Courts and therefore he had a very strong grasp of the procedural law. Justice Chitre was very polite and soft spoken in his approach to everyone. He was very patient with lawyers giving them adequate time and opportunity to complete their arguments. This virtue of patience is what set him apart. He was very friendly and supportive of junior members of the Bar and supported the cause of poor sections of the society.

In his death we have lost a jurist par excellence, a lawyer with human heart and a great human being. In this hour of grief, I share my heartfelt condolences with Justice Chitre's family on behalf of Bar Council of Maharashtra and Goa. I sincerely convey my deep condolence to entire family of Justice Chitre. On behalf of Bar Council of Maharashtra and Goa I pray that the great soul rest in peace.

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SPEECH OF SHRI. NITIN THAKKAR, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FULL COURT REFERENCE IN MEMORY OF LATE SHRI JUSTICE JAYANT GOVIND CHITRE, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON FRIDAY, JULY 30, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Mr. Kaiwan Kalyaniwalla, President of Bombay Incorporated Law Society,

Learned Senior Advocates,

Members of the Bar,

Members of the bereaved family,

Members of the Registry and the staff,

Ladies and Gentlemen,

We have gathered on this solemn occasion to pay respects to the departed soul of Justice Jayant G. Chitre.

On behalf of Bombay Bar Association, I associate myself with the sentiments expressed by My Lord the Chief Justice and previous speakers.

I do not wish to repeat except adding that his soul would be smiling today with satisfaction that one of his grand daughters is preparing to take up the noble profession.

I convey our condolences to the family members of late Justice Chitre.

May his soul rest in peace.

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SPEECH OF SHRI. KULDEEP PATIL, SECRETARY, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE IN MEMORY OF LATE SHRI JUSTICE JAYANT GOVIND CHITRE, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON FRIDAY, JULY 30, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Shri. Nitin Thakkar, President, Bombay Bar Association,

Mr. Kaiwan Kalyaniwalla, President of Bombay Incorporated Law Society,

Learned Senior Advocates,

Members of the Bar,

Members of the bereaved family,

Members of the Registry and the staff,

Ladies and Gentlemen,

It is with deep sense of sorrow that we have come to condole the passing away of the Hon'ble Justice Shri. Jayant Govind Chitre, former Judge of the Bombay High Court who left for heavenly abode on 21st June 2021.

Justice Chitre was appointed as an additional Judge of the Bombay High Court on 20th January 1994. He was transferred to Madhya Pradesh High Court on 8th February 1994. He was appointed as a permanent Judge on 15th February 1995 and was transferred back to Bombay High Court on 31st August 2001. He often presided over bench taking up assignments of Criminal matters till his retirement on 21st January 2004. All the advocates remember him as a sharp judge who could reach to the root of the matter in no time. During his tenure at

the Bombay High Court, he prominently dealt with the criminal matters and delivered several judgements on complex issues under the NDPS Act, Customs Act, Prevention of Corruption Act, Drugs and Cosmetics Act and IPC. Though his tenure at the Bombay High Court was not long still more than 150 judgements delivered by Justice Chitre at Bombay are reported in various law journals and reporters.

I had opportunities to appear and argue matters before him. Justice Chitre always gave a calm and patient hearing to the advocates appearing before him. Justice Chitre encouraged the junior advocates at the Bar to conduct matters before him. Justice Chitre was a great human being and enjoyed abundance of goodwill and affection from every member of the Bar.

On my behalf and on my behalf of the Advocates' Association of Western India, I express and place on record a deep sense of gratitude for his lordships contribution to the society and extend my deepest condolence for the loss. I pay my respectful homage to the departed soul. I pray to god to give strength and courage to his family members. May his soul rest in peace.

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SPEECH OF SHRI. KAIWAN KALYANIWALLA, PRESIDENT OF BOMBAY INCORPORATED LAW SOCIETY, AT THE FULL COURT REFERENCE IN MEMORY OF LATE SHRI JUSTICE JAYANT GOVIND CHITRE, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON FRIDAY, JULY 30, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Learned Senior Advocates,

Members of the Bar,

Members of the bereaved family,

Members of the Registry and the staff,

Ladies and Gentlemen,

I concur with the sentiments of My Lord the Chief Justice, and the feelings that have been expressed by my colleagues at the Bar.

Justice Jayant Chitre hailed from Jalgaon and Dhule Districts of Maharashtra where he practiced both on the Civil and Criminal side. He was appointed as a District Judge and subsequently, in 1994, as a Judge of the Bombay High Court where he served until his retirement in 2004. During the tenure of his judicial service. Justice Chitre also served as a Judge of the High Court of Madhya Pradesh. Post his retirement, Justice Chitre continued to involve himself in social and charitable causes. He dedicated his entire working life to the cause of justice.

On behalf of the Bombay Incorporated Law Society, I express condolences on the sad demise of Justice Chitre. Our heartfelt condolences to the members of his family.

May his soul rest in peace.

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