

ADDRESS BY HON'BLE SHRI K.R. VYAS, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL COURT REFERENCE TO LATE JUSTICE ASHOK ABHAIENDRA DESAI, A FORMER JUDGE OF THIS HIGH COURT AND FORMER CHIEF JUSTICE OF UTTARANCHAL HIGH COURT, ON 14TH MARCH, 2006.

My esteemed colleagues, Mr. Desai, Additional Solicitor General, Mr. Kadam, Advocate General of Maharashtra, Mr. Rajiv Patil representing Bar Council of Maharashtra & Goa, Mr. Dada, President of the Bombay Bar Association, Mr. Joshi, President of Advocates' Association of Western India, Mr. Zaiwala, Vice-President of the Bombay Incorporated Law Society, learned Members of the Bar, distinguished Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of late Shri Justice Ashok Abhaiendra Desai, a former Judge of this Court and a former Chief Justice of the Uttaranchal High Court, who left for his heavenly abode on 8th February, 2006.

Justice Desai was born on 24th June, 1942. He practised as an Advocate since December, 1969 before the Nagpur Bench of this High Court. He handled civil, criminal and constitutional matters and had experience of both Original Side and Appellate Side work. He was a Lecturer in the University College of Law at Nagpur from 1978 to 1980, was President of the District Bar Association from 1980 to 1982. In 1983 he was Dean, Faculty of Law, Nagpur University, in 1985 he was Executive Councilor of Nagpur University, and in 1985 he was Member of the Bar Council of Maharashtra. Justice Ashok Desai was elevated as an Additional Judge of this Court on 21st November, 1986 and was made permanent on 15th June, 1987.

Justice Ashok Desai was keenly associated many Committees and Institutions, such as, the Indian Law Institute at New Delhi, Centre for Corporate Research & Training set up by the Institute of Company Secretaries of India, Legal Education Committee, Bar Council of India, and Committee for selection of Vice Chancellor, Amravati and Nagpur Universities. He was Founder President of Global Jurist Foundation. On 6th December, 2000, Justice Ashok Desai took oath as the first Chief Justice of the Uttaranchal High Court. He was Chairman of the Preparatory Committee of the International Conferences of Chief Justices on Article 51 of the Constitution of India held in India. During his tenure as a Judge of this Court and as the Chief Justice of Uttaranchal High Court, Justice Desai has rendered many landmark and thought-provoking judgments.

After demitting office on 1st April, 2003, Justice Desai started practicing in the Hon'ble Supreme Court of India and continued rendering services to the needy litigants. In August, 2003, he was designated as Senior Advocate, Supreme Court of India. In April 2004 he was elected as Senior Executive, Supreme Court Bar Association. Justice Desai had authored some well-read books, some of which are "Justice versus Justices", "Environmental Jurisprudence", "Justicing the People", "Law of Contempt".

In the passing away of Justice Ashok Desai, the legal fraternity has lost a 'friend, philosopher and a guide'. In this hour of grief, on behalf of all of us, I convey our heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss. **May the departed soul rest in eternal peace.**

ADDRESS BY SHRI B.A. DESAI, ADDITIONAL SOLICITOR GENERAL, AT THE FULL COURT REFERENCE TO LATE JUSTICE ASHOK ABHAIENDRA DESAI, A FORMER JUDGE OF THIS HIGH COURT AND FORMER CHIEF JUSTICE OF UTTARANCHAL HIGH COURT, ON 14TH MARCH, 2006.

I join My Lord the Hon'ble Chief Justice in paying homage to Shri Justice A.A. Desai who is no more.

Shri Ashok Desai hailed from Nagpur. Though he hailed from Nagpur, I had an occasion to know him. In fact, we were quite friendly. This was because of social work and particularly voluntary legal aid movement in the 70s and early 80s.

His death is in a sense a matter of personal grief.

Shri Ashok Abhaiendra Desai was born on 24.6.1942. He practiced as an Advocate since December, 1969 before the Bombay High Court, Nagpur Bench. He handled civil, criminal and constitutional matters and had experience of both original and appellate side work. He was Lecturer in the University College of Law of Nagpur from 1978 to 1980. He was the President of the District Bar Association in 1980-82. In October, 1980, he was appointed Assistant Government on the Legal Advisory Committee of Nagpur University by the Governor. He was Standing Counsel for Punjabrao Krishi Vidyapeeth, Akola, the Maharashtra State Co-operative Land Development Bank and the National Textile Corporation (Maharashtra North Model Mills). He was appointed Additional Judge of the Bombay High Court on 21.11.1986 and permanent Judge on 15.6.1987. He retired on 24.6.2004.

I convey my condolences through this Reference to his family members.

May his soul rest in peace and may God give his family the strength to bear the loss.

ADDRESS BY SHRI RAVI KADAM, ADVOCATE GENERAL OF MAHARASHTRA, AT THE FULL COURT REFERENCE TO LATE JUSTICE ASHOK ABHAIENDRA DESAI, A FORMER JUDGE OF THIS HIGH COURT AND FORMER CHIEF JUSTICE OF UTTARANCHAL HIGH COURT, ON 14TH MARCH, 2006.

My Lord the Chief Justice and other Hon'ble Judges of his High Court, Mr. Desai, Additional Solicitor-General of India, Mr. Dada, President, Bombay Bar Association, Mr. Joshi, President, Western India Advocates' Association and Mr. Patil for the Bar Council of India, Mr. Zaiwala, Vice-President of the Bombay Incorporated Law Society, and my learned friends,

Today we mourn the sudden and untimely passing away of Justice Ashok A. Desai, a former Judge of this Hon'ble Court who died suddenly of a heart attack at Delhi on February 08, 2006.

Justice Desai came from an extremely poor family and had the misfortune of losing his father at the age of 6. Despite his early set back by his sheer determination and hard work Justice Desai achieved prominence as an advocate practising before the Nagpur Bench of this Hon'ble Court. He was a versatile lawyer and had vast experience in all branches of the Law.

Justice Desai was also associated with the Nagpur University, initially as a Lecturer in the Law College and subsequently as the Dean of the Law faculty of the Nagpur University. He was also a Senator of the Nagpur University. He authored several books and took keen interest in environmental issues.

Justice Desai was an active member of the District Bar Association, Nagpur and served as its President between 1980 and 1982. He was a lawyers' lawyer and took keen interest in the activities concerning lawyers. After he commenced practice in the Supreme Court of India, he became a Member of the Executive Committee of the Supreme Court Bar Association.

Since Justice Desai was from Nagpur and practised largely in Nagpur, we in Mumbai had relatively few opportunities to appear before him. However, on the few occasions that I did appear, I recollect the razor sharp intellect and quick grasp of the essentials of a case. Due to these qualities Justice Desai often appeared to be impatient even at times a bit abrupt. However, in all cases his keenness to do justice to the parties before him was apparent to all.

After serving as a Judge of the Bombay High Court and the Allahabad High Court, Justice Desai was appointed the Chief Justice of the Uttaranchal High Court in 2001. In 2003 he relinquished judicial office and commenced practice before the Supreme Court of India.

In the untimely passing away of Justice Desai the Bar has lost a friend who championed its cause throughout his career. My Lords, on behalf of the entire bar of the State of Maharashtra, I convey my heartfelt condolences to the bereaved family.

May his soul rest in peace.

ADDRESS BY SHRI RAJIV PATIL, REPRESENTING BAR COUNCIL OF MAHARASHTRA & GOA, AT THE FULL COURT REFERENCE TO LATE JUSTICE ASHOK ABHAIENDRA DESAI, A FORMER JUDGE OF THIS HIGH COURT AND FORMER CHIEF JUSTICE OF UTTARANCHAL HIGH COURT, ON: 14TH MARCH, 2006.

My Lord, the Chief Justice, Honourable Judges of the Bombay High Court, Learned Advocate General Mr. Ravi Kadam, Learned Additional Solicitor General Mr. Desai, President of A.A.W.I. Mr. Balkrishna Joshi, President of Bombay Bar Association Mr. Rafiq Dada, Vice-President of the Bombay Incorporated Law Society Mr. Zaiwala, Ladies and Gentlemen,

Justice Ashok Abhaiendra Desai former Chief Justice of High Court of Uttaranchal passed away on 08th February 2006 at New Delhi. Born on 24 June 1942, Justice Desai was enrolled as an Advocate in December 1969, he practiced at the Nagpur Bench of Bombay High Court, handling various famous Constitutional matters at Nagpur as well as at Bombay. Justice Desai was also known as an academician and contributed a lot to the legal education while he was Lecturer in the University College of Law at Nagpur. He was also a leader of the Bar as a President of Bar Association at Nagpur during 1980 to 1982. Justice Desai represented legal advisory Committee of Nagpur University, Punjabrao Krishi Vidyapeeth, State Co-operative Land Development Bank and National Textile Corporation amongst many others. Justice Desai was also a Member of the Bar Council of Maharashtra and Goa.

Justice Desai was elevated to the bench of the Bombay High Court on 21st November 1986. Justice Desai was known for his forthrightness as a Lawyer as well as a Judge. He did not hesitate to express his opinions in respect of protection of fundamental rights of the Citizens.

I had an occasion to appear before him as an Additional Public Prosecutor at Bombay as well as at Nagpur. His views on detention law were very strong; he was of firm belief that, no authority can trample the rights of citizen, whether he is a law-abiding person or an offender. He always observed that the State has to protect every Citizen, irrespective of the fact what he is. Defending a detention order before Justice Desai was a tough job for a Prosecutor. While presiding over a bench with Justice S. B. Mhase at Nagpur in one of the Writ Petition for *Habeas Corpus*. He came down heavily on the State Machinery for lapses and the Detenues and Under-Trial Prisoners. He imposed heavy cost against high officers of the State for not improving the standards of human dignity. Justice Desai authored a Book called Justice versus Justices, which was widely discussed in Legal Fraternity.

While he was presiding over a Bench with Justice Sahay in one of the sou motu Contempt Petition against an Editor of Marathi News Paper 'Nava-Kal', he observed that in sou motu Contempt Proceedings, it is a duty of a Public Prosecutor to see that the majesty of the court is maintained and it cannot be tarnished by any person even if such person has right to express his opinion. He further observed, on the other hand, while placing the facts before the court in such matters, the Prosecutor always have to protect the interest of public and to maintain the faith of public in judicial system. As it is said laymen treat Judges as a priestly cast to whom they are reluctant to apply the standards of criticism imposed on other Public Servants. Because of his caring forthrightness Junior Advocates always were comfortable in his Court for making submissions and it was always a pleasure to appear before Justice Ashok Desai.

Justice Desai was transferred to Allahabad High Court and thereafter he became a Chief Justice of Uttaranchal High Court Justice Desai retired on 24th June 2004 and resumed his career as a Senior Advocate of Supreme Court of India. His son Satyajit is also an Advocate practicing in Supreme Court continuing the legal profession.

On behalf of the Bar Council of Maharashtra and Goa, I convey my deep condolences to bereaved family and pray that the great soul rests in peace.

ADDRESS BY SHRI R.A. DADA, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FULL COURT REFERENCE TO LATE JUSTICE ASHOK ABHAIENDRA DESAI, A FORMER JUDGE OF THIS HIGH COURT AND FORMER CHIEF JUSTICE OF UTTARANCHAL HIGH COURT, ON 14TH MARCH, 2006.

My Lord the Chief Justice , My Lords, Mr. BA Desai Additional Solicitor General of India, Mr. Kadam, Advocate General, Mr. Joshi, President of the Advocates Association of Western India, Mr. Zaiwala, Vice-President, Bombay Incorporated Law Society, friends at the bar,

On behalf of the Bombay Bar Association, I endorse the sentiments expressed by my lord the Chief Justice, Mr. Desai and Mr. Kadam.

Mr. Justice Desai came from the Nagpur Bar. As mentioned by the learned chief justice, he had a wide practice in civil, criminal and constitutional law. He worked as a lecturer in the university college of law. Nagpur University Mr. Justice Desai was also the president of the district Bar. I met Mr. Justice Desai in a bar council conference at Akola with Mr. Justice Sirpurkar and Chief Justice Mohta of the Orissa High Court. In that meeting, I saw the warmth and affection with which he was greeted by the lawyers of Akola. Mr. Desai came to Bombay and sat in Bombay as one of the senior judges. During his tenure, he heard many important cases. I appeared in his court in a case where the constitutional validity of some provision of the Hindu minority and guardian ship act was challenged. He conducted the court with great courtesy and good humour. Mr. Justice Desai also a decided a case relating to the liability of a director under the foreign exchange regulation act. In this case, several leading advocates of the country appeared. He decided many cases in various branches of law and left his imprint in the law books.

Mr. Desai was transferred to Uttar Pradesh as the Chief Justice of Uttaranchal. He demitted office and started practicing in Delhi.

His practice in Delhi was a brief span of three years ,when he was called to the land of the far beyond. He left for his heavenly abode.

On behalf of the Bombay Bar Association, I extend my condolence to the members of his family May God give them the strength to bear this loss.

ADDRESS BY SHRI BALAKRISHNA JOSHI, PRESIDENT, ADVOCATES ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE TO LATE JUSTICE ASHOK ABHAIENDRA DESAI, A FORMER JUDGE OF THIS HIGH COURT AND FORMER CHIEF JUSTICE OF UT.TARANCHAL HIGH COURT, ON 14TH MARCH, 2006.

The Hon'ble the Chief Justice Shri K.R. Vyas and other Hon'ble Judges of the High Court of Judicature at Bombay, Shri B.A. Desai, Additional Solicitor General of India, Shri Ravi Kadam, Advocate General, Maharashtra State, Shri Rajeev Patil, Member of Bar Council of Maharashtra and Goa, Shri Rafiq Dada, the President of Bombay Bar Association, Shri Zaiwalla, Vice-President of Incorporated Law Society and friends.

1. Sir, I fully endorse the views expressed by the Hon'ble the Chief Justice and my colleague and I beg to add few words.
2. Sir, we have assembled here to pay tribute to Shri Ashok Abhaiendra Desai, the then Judge of the Bombay High Court who expired on 8th February, 2006 at New Delhi. Justice Desai was born on 24th June, 1942 and practised as an Advocate since December, 1969 before the Bombay High Court Bench at Nagpur. Justice Desai handled civil, criminal and constitutional matters and had experience of both the original and appellate side work. He was Lecturer in the University College of Law, Nagpur, from 1978 to 1980. He was the President of Nagpur Bar Association and also General Secretary of Nagpur Bar Association. He was appointed as Assistant Government Pleader, High Court, Nagpur, between the year 1980 and 1986. Justice Desai was also elected on Nagpur University Senate and Law Graduates Constituency in the year 1982. He was also Dean of Faculty of Law and Executive Councillor of Nagpur University. Justice Desai was also Member of Maharashtra Bar Council. Justice Desai was appointed as Additional Judge of the Bombay High Court on 21st November, 1986 and permanent Judge on 15th July, 1987. Justice Desai was elected as Member of Governing Council of Indian Law Institute, New Delhi, from the constituency of Judges of High Courts and Supreme Court of India in 1989. He was also Member of Committee for Journal of Indian Law Institute. Justice Desai was also elected for the fourth time as governing Council of Indian Law Institute, New Delhi, from the constituency of Judges of High Court and Supreme Court. He authored books such as Justice vs. Justices, Environmental Jurisprudence and Justicing the People. Justice Desai was transferred to the High Court of Allahabad on 8th March, 1999 and he took oath as Chief Justice of Uttaranchal High Court on 6th December, 2002.
3. Justice Desai handled each and every legal problem, with his wide outlook and deep insight. Justice Desai's vast experience of law and social systems and human approach help to solve many legal problems. Justice Desai was tough on his principles and integrity which were non-negotiable. Justice Desai used his noble caliber fearlessly to wage war against injustice. Justice Desai had a great depth of law and quick grasp of the facts and a great desire to do justice. No one ever suffered injustice in Justice Desai's Court. During his tenure as a Judge of the Bombay High Court, he dealt with large number of important cases. Justice Desai always gave courteous treatment to all the Advocates. he always showed readiness and desire to know the advocates point of view during arguments.
4. The members of the Association share the grief of members of Desai family and we sincerely hope that the family of Shri Ashok Abhaiendra Desai will find courage to bear this loss.

May god rest his soul in peace.

ADDRESS BY SHRI DINSOO ZAIWALA, VICE-PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY, AT THE FULL COURT REFERENCE TO LATE JUSTICE ASHOK ABHAIENDRA DESAI, A FORMER JUDGE OF THIS HIGH COURT AND FORMER CHIEF JUSTICE OF UTTARANCHAL HIGH COURT, ON 14TH MARCH, 2006.

My Lord the Chief Justice, Hon'ble Judges of the Bombay High Court, Mr. Ravi Kadam, learned Advocate General, Mr. Rafiq Dada, learned President of the Bombay Bar Association, Mr. Joshi, President of the Advocates Association of Western India, Mr. Patil representing Bar Council of Maharashtra and Goa, ladies and gentlemen,

On behalf of the Bombay Incorporated Law Society it has fallen on me to convey our members grief on the sad demise of Justice Ashok Desai a Justice of this Court and the then Chief Justice of Uttaranchal High Court.

With respect I concur with the sentiments so eloquently expressed by my Lordship the Chief Justice, the learned Additional Solicitor General, the learned Advocate-General, the President of the Bombay Bar Association and the President of the Western India Advocate Association which has been submitted at your Lordship's Bar today.

Justice Desai was a luminary of the Bombay High Court and after contributing his services to our State was appointed as the Chief Justice of the newly formed State of Uttaranchal. With his experience of the Bombay High Court Mr. Justice Desai leaves behind an exemplary legacy which I am indeed sure would be of substantial guidance to the Bench and the Bar not only of this Court but for the newly constituted State of Uttaranchal.

We are all subject to the tyranny of time. We all have to pass the journey through an allotted span of life given to each one of us by the great Cosmic Creator that men call God but the spirit leaves on and travels to its next destination. We wish his soul a great journey. These are few words of solace which Your Lordships would permit me on behalf of the Incorporated Law Society to convey to the near and dear ones who Justice Desai leaves behind.

May the spirit of the demised Lordship rest in eternal guidance.
