

ADDRESS BY HON'BLE THE CHIEF JUSTICE SHRI PRADEEP NANDRAJOG, HIGH COURT OF JUDICATURE AT BOMBAY AT THE FIRST COURT REFERENCE TO LATE SHRI DHANANJAY GOVINDRAO DESHPANDE, FORMER JUDGE OF THE BOMBAY HIGH COURT ON FRIDAY, 4TH OCTOBER 2019 AT 10.30 A.M.

Hon'ble Smt. Justice Bharati Dangre,

Shri Anil C. Singh, Additional Solicitor General of India &
On behalf of Advocate General of Maharashtra

Shri Avinash Bhide, Chairman, Bar Council of Maharashtra & Goa

Shri Milind Sathe, President of Bombay Bar Association

Shri Sanjeev P. Kadam, President, Advocates' Association of Western India

Shri Yazdi Dandiwala, Assistant Hon. Secretary, Bombay Incorporated Law Society

Family members of the Bereaved Family,

Distinguished Senior Advocates,

Members of the Bar,

Members of the Registry,

Ladies & Gentlemen.

We assemble here today to remember and pay homage to late Shri Justice Dhananjay Govindrao Deshpande, a distinguished Judge of this illustrious Court, who left the world and joined the divine on 21st July 2019.

Born on 28th June 1945 at Wardha, Justice Deshpande Graduated in Commerce from Wardha, a holy place of the father of the Nation. He obtained Degree in Law from the Nagpur University in 1967. Enrolled as a member of the illustrious Bar in 1968, he practiced for 21 years and was specialized in civil matters. He was mentored by the illustrious and statured Advocates Shri Bapat and Shri Deshpande, who were renowned lawyers. He joined Law College as Lecturer at Wardha for five years.

The cause of justice attracted him to the judiciary and he was appointed as Judge of City Civil Court, Bombay on 20th August 1989 and was confirmed on 30th November 1993. He moved on to the bench of this Court on 11th March 1996. Became permanent Judge on 7th January 1997 and served the institution till he demitted office on 28th June 2007.

Justice Deshpande authored many books in Marathi literature, notably “Puraskar”, “Divyasparshi. He also authored the book “The Touch Divine” which is a Biographical publication. His translations of “Modern Sciences in Vedas” from Marathi to English language is a piece of literature. The devine touch in him was probably more than what is reflected in his literary works. Justice Deshpande took keen interest in wood crafting and I am told he made life-size wooden replicas of world famous monuments such as the Leaning Tower of Pisa, the Eiffel Tower, The Buddhist Pagoda and the Matrimandir. His exhibits were showcased at Jehangir Art Gallary which shows that he was not less than the supreme Artisan.

During his tenure as a Judge of this Court, he left behind footprints in various fields of law which would guide the next generation. He

delivered remarkable judgments on the subject of Indian Penal Code, MPDA, COFEPOSA, Hindu Minority and Guardianship Act; Maharashtra Co-operative Societies Act and Maharashtra Civil Services (Discipline and Appeal) Rules, etc.

From his childhood he had exposure, from his family, to spirituality and literature. He was the eldest son amongst the five children. His father served as Editor of the Newspaper “Nagpur Times”.

Justice Deshpande left behind his wife Shailaja, three daughters Madhavi, who is a practicing lawyer of this Court, Ms Mrunalini, a Fashion Designer and Mrs. Chetana who also inherited the writing skills of her father and runs a publication house.

It is very painful for each one of us to lose company with Justice Deshpande. May his memories never fail. He may not be physically with us, but he will live in our heart.

I, on behalf of all Judges and staff members of Bombay High Court and on my own behalf, offer heartfelt condolences to the family members of late Justice Deshpande. We pray to the Almighty to bestow fortitude upon the family members to bear the irreparable loss.

May his soul rest in eternal peace.

ADDRESS BY SHRI ANIL C. SINGH, ADDITIONAL SOLICITOR GENERAL OF INDIA & ON BEHALF OF ADVOCATE GENERAL OF MAHARASHTRA AT THE FIRST COURT REFERENCE TO LATE SHRI DHANANJAY GOVINDRAO DESHPANDE, FORMER JUDGE OF HIGH COURT, BOMBAY AT COURT ROOM NO.52, ON FRIDAY, 4TH OCTOBER 2019 AT 10.30 A.M.

The Hon'ble Chief Justice Mr. Pradeep Nandrajog

Hon'ble Smt. Justice Bharati Dangre

Shri Avinash Bhide, Chairman, Bar Council of Maharashtra & Goa

Shri Milind Sathe, President of Bombay Bar Association

Shri Sanjeev Kadam, President of Advocates' Association of Western India

Shri Yazdi Dandiwala, Asstt. Hon. Secretary,
Bombay Incorporated Law Society

Members of Late Shri Justice D. G. Deshpande family

Ladies and Gentlemen.

I share the sentiments expressed by the Hon'ble the Chief Justice. A great loss to the legal profession and to society in general has taken place, in the passing of Justice Deshpande.

Justice Deshpande's contribution in the field of law and in its development was immense. His contribution to Society was however, not limited only to law and the legal field. He was an accomplished artist and writer.

Justice Deshpande had published, I believe, six books in Marathi, including a book on “Spirituality and Yoga” and a Novel on Saint Dnyaneshwar. He had also done research on “Vedas” and modern Scientific theories in the Vedas in the Branches of Atomic Science, Physics, Chemistry and Biology.

Apart from his writing skills on the aforesaid varied subjects, he was also an accomplished artist. I have had the privilege of attending an exhibition of his art at Jehangir Art Gallery. It was a well attended event which was even attended by several Bollywood celebrities including Amitabh Bachhan.

Justice Deshpande was not just a legal luminary but someone who had achieved a lot even outside the law in terms of his writing and art.

Coming to his legal background, after being enrolled as an Advocate in 1968, he practiced for 21 years mainly in Wardha Bar. He was specialized in Civil matters. However, when he became a part of the judiciary, he had the occasion to and passed several judgments on important aspects of criminal law and service law as well.

He was appointed as a Judge of the City Civil Court, Bombay, in 1989 & an Additional Judge of the Bombay High Court in 1996 and a permanent Judge on 7th January 1997. He retired on 28th June 2007.

His journey as a Judge is marked with several celebrated judgments which show his invaluable contribution to the development of the law.

Justice Deshpande would be remembered as a brilliant, sound, independent, clear headed & a straightforward Judge. He was very assertive and firm and always preferred short arguments to the point. His orders and judgments used to be very brief and would cover all the issues raised in the Petition.

On behalf of myself & the Advocate General, the State of Maharashtra, I express my deepest condolence for the departed soul.

ADDRESS BY SHRI AVINASH BHIDE, CHAIRMAN, BAR COUNCIL OF MAHARASHTRA & GOA AT THE FIRST COURT REFERENCE TO LATE SHRI DHANANJAY GOVINDRAO DESHPANDE, FORMER JUDGE OF THE BOMBAY HIGH COURT ON FRIDAY, 4TH OCTOBER 2019 AT 10.30 A.M.

The Hon'ble Chief Justice,

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Law Society

Family members of the Bereaved Family,

Distinguished Senior Advocates,

Members of the Bar,

Ladies & Gentlemen.

Hon'ble Justice D. G. Deshpande joined the legal profession back in 1968. Before being appointed as a Judge in the Bombay City Civil Court in 1989, he spent 21 years practicing Civil Law primarily before the District Court of Wardha. Later on, in 1996 he was elevated to the Bombay High Court as an Additional Judge and in 1997 as a permanent Judge. He retired from the Bombay High Court in 2007 but continued to

serve as an Arbitrator. He was a fair, sharp and straightforward Judge who had the knack of understanding nuances of the matters before him. I say this from my personal experience. I had the good fortune of appearing before him a few times in the City Civil Court of Bombay. It is an irony that it is me, out of all these people, to be giving this eulogy upon his sad demise.

He was known as a highly skilled, fair and just Judge. However, he made a huge impact in the creative field as a writer. He has authored over seven books in Marathi. One of his most popular work is a book on Sant Dnyaneshwar titled “Sankarshanagni” and another is a book on Yoga and spirituality titled “Chinmayalilavilas”. He also was Scholar in Vedas and ancient Indian scriptures and has his research papers published in notable Magazines.

I end my speech by paying my respect as a Chairman of Bar Council of Maharashtra & Goa to such a multi-talented, dynamic personality who has been immortalized by his words and his great work.

ADDRESS BY DR. MILIND SATHE, PRESIDENT, BOMBAY BAR ASSOCIATION AT THE FIRST COURT REFERENCE TO LATE SHRI DHANANJAY GOVINDRAO DESHPANDE, FORMER JUDGE OF THE BOMBAY HIGH COURT ON FRIDAY, 4TH OCTOBER 2019 AT 10.30 A.M.

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Bombay Incorporated Law Society

Members of Late Shri Justice D. G. Deshpande family

Ladies and Gentlemen.

We assemble this morning to mourn the sad demise of Hon'ble Shri Justice D. G. Deshpande, Former Judge of this Court, who passed away on 21st July, 2019 at Mumbai, at relatively young age of 74.

I fully associate myself with the sentiments expressed by the learned Chief Justice and my fellow speakers.

Justice Deshpande was born on 28th June, 1945. He was enrolled as an Advocate in May, 1968. He practiced for 21 years mainly in Wardha District and occasionally appeared before High Court at Nagpur in Civil

and Criminal Matters. He specialized mainly in Civil matters.

He was appointed as a Judge of the City Civil Court, Bombay, on 20th August, 1989 and he was confirmed in that Grade on 30th November, 1993. He was appointed as an Additional Judge of the Bombay High Court on 11th March, 1996 and was confirmed as permanent Judge on 7th January, 1997. He retired on 28th June, 2007.

As a Judge of Bombay High Court he has authored several Judgments on variety of topics which include:

- (a) In *Rajesh Ratanlal Kale V/s. State of Maharashtra*, 2007 (1) Bom CR 27, where a fellow civil judge of Bhiwandi Court (Junior Division) was dismissed by the State Government for entering into physical brawl with other Judges, the Division Bench of Justice D. G. Deshpande and Roshan Dalvi held that the inquiry against the Judicial Officer and consequent punishment was proper.
- (b) In *Thirumalai Kumaran V/s. Union Territory of Dadra and Nagar Haveli*, 2003 (2) Mh L. J. 53 Justice D. G. Deshpande held that the High Court may exercise in its discretion issuance of writ of habeas corpus under Article 226 of the Constitution of India, even though the party might have approached the courts below under Section 97 of the Criminal Procedure Code and had failed therein.
- (c) In *Shayam Dattatray Beturkar V/s. The Special Executive Magistrate*, while dealing with a case where a person was

arrested illegal, Justice D.G. Deshpande emphasized the importance of compensation to the victim of unwarranted and unjustified arrests and held:

“It is true that the prayer of the petitioner for grant of compensation, if allowed, would act as deterrent against police officials. But I am unable to agree with the submissions made by the learned A.P.P. that such a prayer should not be considered only on that count, because, in a society governed by the rules of law, the Constitution of India and the statutory provisions of Criminal Procedure Code, it is for the Court to see that all these provisions made for protecting liberty of the individual against arbitrary exercise of statutory powers are strictly complied with, and that whims and caprices and motives and prejudices of the Police Officers who are the guardians and protectors of law did not and do not mingle with the powers granted to them by the law.”

- (d) In *Essar Constructions Ltd. V/s. CBI*, (1999) 2 Bom CR 685 held that no sanction under Section 197 of the Cr. P. C. is necessary to prosecute persons belonging to government companies as government companies being a judicial person stand on a different footing than government department.
- (e) In *Smt. Ramagauri Keshavlal Virani V/s. Om Walkeshwar Triveni*, Writ Petition No. 4577 of 1985, Justice D. G. Deshpande was one of the first to hold that none of the provisions under the Maharashtra

Ownership Flats Act, 1963 collectively or individually authorise the promoter, building or any other entity including the society to sell the terrace of the building and held that the terrace is for the benefit of all the members of the society which cannot be allotted to anyone as it would curb the right of other members over the common terrace.

- (f) In *Dhawal S. Chotai V/s. Union of India*, (2003) 5 Bom CR 4, where a student who suffers from a disorder of movement and posture which is known as “Cerebral Palsy” was denied three extra hours to write his examination papers. Justice D. G. Deshpande held that a statutory authority under Article 12 of the Constitution of India is bound by Article 21 of the Constitution which gives right to have a decent life and the right to receive education and facilities for it will have to be read in it and for papers such as Accounts would be better written if he writes himself though he will require longer time since he is suffering from the peculiar disability and since the student has established that on earlier occasions he did require three hours he ought to be granted the required time.
- (g) In *Kamlakar Gajanan Shenvi V/s. State of Maharashtra*, (1999) 5 Bom CR 354 where the F.I.R. was filed in 1987, charge sheet was filed in 1991, charge was framed in 1993 and that till 1998 no witnesses for the prosecution is examined, Justice D. G. Deshpande on an application been made by the accused quashed the FIR and the proceedings for not being a speedy and fair trial guaranteed under Article 21 of the Constitution of India.

(h) In Ulka Shah V/s. Union of India, 2002 SCC OnLine Bom 1274 Justice D. G. Deshpande set aside the order of preventive detention on the ground that the opinions expressed by the Advisory Board of the two co-detenués were considered by the Detaining Authority but copies thereof were not furnished to detenués. Justice D. G. Deshpande held that this resulted in denial of earliest opportunity of making an effective representation therefore violative of Article 32(5) of the Constitution of India.

He was a Prolific Writer. He has published six books written by him. They are in Marathi. Some of them are as under:

- (1) Chinmayalilavilas – a book on spirituality and “Yoga” published by Keshav Bhikhaji Dhavale Prakashan.
- (2) A Novel on Saint Dhyaneswar (Sankarshanagni) published by Manorama Prakashan.
- (3) Rajsatta, Dharmasatta Aani Dnyaneswar, published by Keshav Bhikaji Dhavale prakashan. He has done research on “Vedas” and “Modern Scientific theories in “Vedas” in the branches of Astronomy, Atomic Science, Physics, Chemistry, Biology.

He has written a book in English viz. “R” Factor – Role and Relationship.

There are various interesting stories about him. He started his practice opening an office in a Wooden Kiosk near State Transport Bus Depot. He shared the Wooden Kiosk with a Barber. One day the Barber asked him to take care of his shop for a while when he went out for a lunch. Justice Deshpande would recall “a customer came to the Barber for a Shave. I was sitting free, I did the job”.

He was an expert carpenter. As a Judge of this Court he had fabricated wooden prototypes of seven modern wonder of the world including Eiffel Tower. He held an exhibition of these exhibits at Jahangir Art Gallery which was inaugurated by Chief Justice Swatanter Kumar. One of the Judges residing in the Judges' Residential building "Vidhi", recounted,

"In the night I would wake up from the carpentry noises from my esteemed brother living on the floor above me. It was Justice Deshpande, carving the wooden prototypes of world wonders! I could not protest or complain."

Lawyers and Judges have large number of stories and anecdotes about Justice Deshpande. He was an eccentric genius, if I may use that tautologic phrase or an oxymoron.

That was Justice D. G. Deshpande.

In death of Justice Deshpande we have lost an intelligent and a genius Judge and a multi-faced human being.

Our heartfelt condolences go out to the family of Justice D. G. Deshpande.

On behalf of Bombay Bar Association I express our heartfelt condolences to the bereaved family. Let the departed soul rest in eternal peace.

ADDRESS BY SHRI SANJEEV P. KADAM, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA AT THE FIRST COURT REFERENCE TO LATE SHRI DHANANJAY GOVINDRAO DESHPANDE, FORMER JUDGE OF THE BOMBAY HIGH COURT ON FRIDAY, 4TH OCTOBER 2019 AT 10.30 A.M.

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Shri Milind Sathe, President of Bombay Bar Association
Shri Yazdi Dandiwala, Assistant Hon. Secretary, Bombay Incorporated
Law Society
Family members of the Bereaved Family,
Distinguished Senior Advocates,
Members of the Bar,
Ladies & Gentlemen.

I agree and adopt the views expressed by earlier speakers. Justice Dhananjay Govindrao Deshpande popularly known as D. G. Deshpande was born on 28th June, 1945. He hailed from Vardha District in Vidarbha Region and completed his schooling from Vardha. He completed his B.Com and then LLB at Nagpur.

Justice Deshpande was enrolled as an Advocate in 1968 and practiced at Wardha and Nagpur in civil as well as criminal matters. He also practiced at Nagpur bench of this Hon'ble Court and handled variety of matters.

On 20th August, 1980 he was appointed as a Judge of City Civil and Sessions Court, Mumbai and was confirmed in the same post on 30th November 1993. Thereafter, he was elevated as a Judge of this Hon'ble Court on 11th March 1996 and was made permanent Judge on 7th January 1997. Thereafter he retired on 28th June 2007.

Apart from his legal field, Justice Deshpande had great interest in carving and had carved Eiffel Tower, London Tower etc. Exhibition of his work was held at Jehangir Art Gallery, Mumbai and it was inaugurated by Superstar Amitabh Bachhan.

Justice Deshpande was also a writer, poet and has written and published 15 books and some are yet to be published. His few published books are "Black Magic to Adhyatma", "Chinmay Lila Vilas", "Shrikrishna Jivan" etc.

Due to said demise of Justice Deshpande we have not only lost a very good Judge but also a great personality having left his foot prints in different fields of life.

On behalf of Advocates' Association of Western India and the members of the Association, I offer heart deep condolences to the family of Justice Deshpande, his daughter Madhavi and others.

May his soul rest in peace.

ADDRESS BY SHRI YAZDI DANDIWALA, ASSISTANT HON. SECRETARY, BOMBAY INCORPORATED LAW SOCIETY THE FIRST COURT REFERENCE TO LATE SHRI DHANANJAY GOVINDRAO DESHPANDE, FORMER JUDGE OF THE BOMBAY HIGH COURT ON FRIDAY, 4TH OCTOBER 2019 AT 10.30 A.M.

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Family members of the Bereaved Family,

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Ladies & Gentlemen.

Justice Deshpande was an outstanding and courageous Judge who did not shy away from dealing with sensitive issues. His judgment in the matter of Hawkers Merchants Welfare Association & Others shows his courage and ability to tackle contentious issue which may have social or community implications. On the bench he always displayed a clear understanding of law and a keen intellect. He belonged to the rare breed of lawyers who had the ability to find time and energy to pursue his literary dreams despite a hectic schedule of a high Court Judge. All the books

written by him required a thorough research and study. Despite the hectic schedule of a High Court Judge, he found time and energy to pursue his artistic and literary passions without affecting his professional work and duty as a Judge. Law is known to be a jealous mistress but he managed to keep her happy and at the same time pursue his other dreams like writing books, creating works of art etc. He proved that the horizon of the law is as broad as human life itself and all culture is its domain.

On behalf of Bombay Incorporated Law Society, I convey my heartfelt condolences to the members of family of late Shri Justice Deshpande and I pray that his soul may rest in eternal peace.
