

ADDRESS BY HON'BLE SHRI JUSTICE MOHIT S. SHAH, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY AT THE FULL COURT REFERENCE TO LATE MR. JUSTICE VENKAT SHRINIVAS DESHPANDE FORMER CHIEF JUSTICE OF THIS HIGH COURT, HELD ON MONDAY, 11TH MARCH 2013

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My esteemed colleagues,

Mr. D.J. Khambata, Advocate General

Mr. Kevic Setalvad, Additional Solicitor General of India

Mr. Rohit Kapadia, President, Bombay Bar Association

Mr. Rajiv Patil, President,  
Advocates' Association of Western India

Mr. D.R. Zaiwalla, President,  
Bombay Incorporated Law Society

Mr. Anil Singh, Member, Bar Council of Maharashtra & Goa

Senior Advocates,

Members of the Bar,

Members of the bereaved family

Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late Mr. Justice Venkat Shrinivas Deshpande, former Chief Justice of this High Court who left for his heavenly abode on 4th February 2013 at Pune at the age of 93 years.

2. Justice Deshpande was born on 11th August 1920 at Ambejogai in Beed District of Marathawada. Initially he pursued education in an institution founded by Swami Ramanand Tirtha. Later, he studied at Yogeshwari Nutan Vidyalaya High School,

Ambejogai. Justice Deshpande graduated from Aligarh University and studied Law in the Osmania University Law College, Hyderabad. His interest was not only confined to study of law, but he joined a newspaper called "Payyam". Initially, he worked as a Proof Reader and then was given charge as an Associate Editor.

3. Justice Deshpande enrolled as First Grade Pleader of the former High Court of Hyderabad in October 1945 and was permitted to appear in the High Court as per rules of the said High Court with effect from April 1947. He was enrolled as an Advocate at the Hyderabad High Court in October, 1952, after the Bar Council Act of 1926 was made applicable to the Hyderabad State. In the year 1957, he enrolled again as an advocate at the Bombay High Court as per provisions of the States Reorganisation Act, 1956.

He argued Criminal as well as Civil matters on the Original Side while in Hyderabad Court from 1945 to 1956 and Civil and Criminal matters on the Appellate Side in the Bombay High Court since 1957. He worked as Assistant Government Pleader in this Court from March 1961. His industry, grasp of law and amiability gave him a position in the front rank.

4. Justice Deshpande was appointed as Additional Judge of the Bombay High Court on 11th June 1967 and was made a Permanent Judge on 8th January 1968. He was appointed Acting Chief Justice from 19th October 1980 and was appointed Chief Justice on 12th January 1981. Justice Deshpande retired as Chief Justice of High Court of Bombay on 11th August 1982.

5. Justice Deshpande delivered a number of judgments in Full Bench headed by him as Chief Justice of this Court in various fields of law including Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act & Bombay City Civil Court Act, Maharashtra Co-operative Societies Act, Bombay Village Panchayats Act, the Bombay Municipal Corporation Act, the Bombay Rent Act and Secondary Schools Code and several other branches. His judgments show deep insight into law and of jurisprudence, but also ability to analyse complex questions of law in simple and lucid language which would be easily understood by litigants and laymen.

6. Justice Deshpande was the first Chief Justice of Bombay High Court to hail from Marathwada region of Maharashtra and was instrumental in establishment of Aurangabad Bench of this Court.

The divergent views of this Court on the judicial side from the administrative views of Chief Justice V.S. Deshpande on this issue did not deter His Lordship from carrying the matter further to ensure redressal of the feeling of regional imbalance.

Justice Deshpande authored a book in Marathi titled "औरंगाबाद खंडपीठ भूमिका आणि पार्श्वभूमी" on the background history of the Aurangabad Bench of the Court of Bombay. Love, affection and respect for Chief Justice V.S. Deshpande are, however, not matters of history. Today also Chief Justice V.S. Deshpande is as fondly remembered, the testimony for which is for request for a Court Reference for him at Aurangabad two decades after his retirement.

7. After retirement, Justice Deshpande was appointed as Lokayukta of the State of Maharashtra. He had also other assignments like Chairperson of the Reserve

Bank Officers' Selection Committee and Chairman of the Tripartite Committee constituted for looking into the problems faced by the cotton mills in Mumbai.

8. He was endowed with the qualities of both head and heart and amply deserved the honour as a Judge and then Chief Justice of this High Court. His memories, acts and deeds shall continue to inspire us for generations to come.

9. His passing away has left void in our lives and also in the hearts of all those who knew him. Justice Deshpande is survived by son Abhay Deshpande, and daughters Mrs. Shalini Sonvalkar, Mrs. Shobha Naik, Mrs. Medha Sardeshmukh. Shri Justice A.B. Naik, former Judge of this Court, is the son-in-law of late Justice V.S. Deshpande.

10. In this hour of grief, my colleagues and I share the feelings of all those who have gathered here in expressing our heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss and overcome the grief.

May the departed soul rest in eternal peace.

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**ADDRESS BY SHRI D.J. KHAMBATA, ADVOCATE GENERAL, AT THE FULL COURT REFERENCE TO LATE JUSTICE V.S. DESHPANDE, FORMER CHIEF JUSTICE, BOMBAY HIGH COURT, ON 11<sup>TH</sup> MARCH, 2013.**

My Lord the Hon'ble the Chief Justice Shri Mohit Shah, Hon'ble Judges of the Bombay High Court, Shri Kevic Setalvad, Additional Solicitor General of India, Shri Anil Singh on behalf of the Bar Council of Maharashtra and Goa, Shri R.A.Kapadia, President, Bombay Bar Association, Shri Rajiv Patil, President, Advocates' Association of Western India, Shri D.R.Zaiwalla, President, Bombay Incorporated Law Society and members of the Bar,

We gather here today to mourn the death of Justice V.S.Deshpande, former Chief Justice of this Court.

Justice Deshpande began his career as a First Grade Pleader at the former High Court of Hyderabad in October 1945. After several years of practice as an Advocate at the former High Court of Hyderabad, he was enrolled as an Advocate at the Bombay High Court in 1957 after the States Reorganisation Act 1956.

The shift was to do him well. He prospered in his new surroundings. Within a short time he built a varied practice on the Appellate Side of the Bombay High Court. He worked as an Assistant Government Pleader from March 1961 to 10<sup>th</sup> June 1967.

He answered the call of duty and was appointed as an additional Judge of this Court on 11<sup>th</sup> June 1967 and a permanent Judge on 8<sup>th</sup> January 1968.

Justice Deshpande served first as the acting Chief Justice for short periods in 1980 and 1981. His judicial career culminated in his elevation as Chief Justice of this Court

on 12 January 1981 – the first from Marathwada. He retired as Chief Justice on 10<sup>th</sup> August 1982.

Those who have appeared before him remember his Court to be a Court of quiet logic, common sense and strict adherence to the letter of the law.

In Dr. Anant Trimbak Sabnis v. Vasant Pratap Pandit AIR 1980 Bom 69 he held that the words “assign and transfer” in the context in which they were used in Section 15 of the then Bombay Rent Act could not be interpreted as widely as in the Transfer of Property Act and contemplated transfers inter vivos. Hence they did not include a bequest under a Will.

In Sheela Sachidananda Damle v. Deputy Director of Education, Amravati Division 1982 MhLJ 116, speaking for a Full Bench he held that petitions by teachers under Articles 226 and 227 of the Constitution of India for enforcement of their entitlement under the Secondary Schools Code were not maintainable. The Code was held to contain the terms and conditions of grants in aid following a judgment of the Supreme Court held them to be in the nature of administrative guidelines without constitutional force. A judgment that must be appreciated in the context of the times in which it was given. Times when the full expansion of the Article 226 jurisdiction had not been given expression.

In Harikisan Kanhaiyalal Pampalia v. Krishnaji Dhanaji Shelki and Anr. 1976 MhLJ 537, once again speaking for a Full Bench he laid down the important principle that the conditions entitling a landlord to resume land must exist not only on the date of the application but also on the date of the order. He held that the continuous existence of the conditions was a sine qua non for upholding the landlords' statutory right of resumption.

In Damodar Pandurang Thakore v. Trustees of the Port of Bombay 1978 MhLJ 425 he overruled the contention that in the absence of drawing up of a decree no application for execution could have been initiated thus implicitly accepting that omission or failure on the part of court machinery should not adversely affect the course of justice.

His judgments reflect a respect for the procedure of the law and careful reasoning. They rely more on logic rather than on purple prose.

He has left a cherished legacy in this Court. So many members of the Bar remember his benign smile and his unfailing courtesy. He enjoyed the respect of the Bar. By all accounts, he was a gentle human being and an able judge. He had a full and long life passing away at the age of 93.

I extend the condolences of the Bar to his daughters and son and to his entire bereaved family.

May his soul rest in eternal peace.

**ADDRESS BY SHRI KEVIC SETALVAD, ADDITIONAL SOLICITOR GENERAL OF INDIA, AT THE FULL COURT REFERENCE TO LATE JUSTICE V.S. DESHPANDE, FORMER CHIEF JUSTICE, BOMBAY HIGH COURT, ON 11<sup>TH</sup> MARCH, 2013.**

My Lord, the Chief Justice, the Hon'ble Judges of this Hon'ble Court, Mr. Darius Khambata – the Hon'ble Advocate General of Maharashtra, Mr. Rohit Kapadia – the President of the Bombay Bar Association; Mr. Rajiv Patil – the President of the Advocate's Association of Western India, Mr. Zaiwala, President, Bombay Incorporated Law Society, Mr. Anil Singh, Bar Council of Maharashtra & Goa, my fellow lawyers, and the family members of Chief Justice Deshpande who are present here today.

We have assembled here this morning to honour the memory of Chief Justice V.S. Deshpande, a Former Chief Justice of our High Court who left for his heavenly abode on 4<sup>th</sup> February 2013 at the ripe old age of 93, having lived a full life dedicated to the law.

Justice V.S. Deshpande was born on 11<sup>th</sup> August, 1920. He completed his schooling at Yogeshwari Nutan Vidyalaya High School, Ambejogai and obtained a B.A. LL.B from Osmania University Law College, Hyderabad. In October, 1945 he enrolled as a First Grade Pleader of the former High Court of Hyderabad. Justice Deshpande then enrolled as an Advocate at the Hyderabad High Court in October, 1952 and practiced criminal as well as civil law on the original side from 1945 to 1956.

In the year 1957 Justice Deshpande enrolled as an Advocate at the Bombay High Court and practiced mainly on the Appellate Side in criminal and civil cases. He was appointed as an Assistant Government Pleader in Bombay High Court from March 1961. Senior members of the Bar tell me that he was a formidable opponent and was always extremely well prepared.

Justice Deshpande's exemplary performance at the Bar was recognized and on 11 June 1967 he was elevated to the position of an Additional Judge at the Bombay High Court and thereafter on 8<sup>th</sup> January, 1968 was made a Permanent Judge.

The High Court of Bombay had the honour of having his Justice V.S. Deshpande as a Chief Justice from 19<sup>th</sup> October, 1980. Justice V.S. Deshpande was the first Chief Justice of Bombay High Court to hail from Marathwada region of Maharashtra.

His Lordship's career as a Judge was punctuated with clear and sharp witted judgments. Chief Justice Deshpande has delivered several important judgments, amongst them was the case of – **Bandra Green Park Co-operative Housing Society Ltd. Vs. Mrs. Dayadasi Kalia (AIR 1982 Bom 428)**, wherein Chief Justice Deshpande ruled on important issues concerning the rights of a member of a Society under the Maharashtra Co-operative Societies Act against a licensee in possession of his flat, the role of the Society and the jurisdiction of the Cooperative Court and the Small Causes Court in such a dispute.

Justice Deshpande was also party to the Full Bench Judgment (of 5 Judges) in the case of **Janu Chandra Waghmare Vs. State of Maharashtra (AIR 1978 BOM 119)**, which decided a constitutional challenge to the provisions of the Maharashtra Private Forests (Acquisition) Act 1975, and which involved important constitutional questions of the proper construction of Entry 19 in List II of the 7<sup>th</sup> Schedule to the Constitution and as to whether the term “forest” would include “forest produce” and whether the acquisition of forest produce was beyond the State's legislative competence.

Chief Justice Deshpande was instrumental in setting up the Bench of our High Court at Aurangabad. In 1978 the State Government, with the consent of the Chief Justice, made recommendations to the Central Government for establishment of a permanent Bench under Section 51(2) at Aurangabad. But considering the inevitable delay involved in the process, the State Government took a cabinet decision to have resort to Section 51(3) pending action under Section 51(2). On 27<sup>th</sup> August, 1981 Chief Justice Deshpande issued an order under Section 51(3) of the States Reorganisation Act 1956, with the approval of the Governor of Maharashtra, to appoint Aurangabad as a

place at which the Judges and Courts of the Bombay High Court shall also sit. The said Order passed under Section 51(3) Constitution of the Bench came to be struck down by a decision of the Bombay High Court dated 14<sup>th</sup> December 1981. However, on 25<sup>th</sup> October 1982 (a mere 2 months after Chief Justice Deshpande retired as Chief Justice of the Bombay High Court) the Supreme Court upheld his Order passed under Section 51(3) of the State Reorganisation Act; in the decision reported in **State of Maharashtra v. Narain Shyamrao Puranik (AIR 1983 SC 46)**.

Justice Deshpande retired on 11<sup>th</sup> August, 1982 but continued to actively serve the state as Lokayukta. He has undoubtedly left an indelible positive mark on our High Court.

On behalf of all of us at the Bar I offer our condolences to his family. Members of the Bar have lost a friend, and someone to look upto. We shall now continue to remember Justice Deshpande through his judgments.

May his Soul rest in peace.

**ADDRESS BY SHRI ANIL C. SINGH, SENIOR ADVOCATE AND MEMBER, BAR COUNCIL OF MAHARASHTRA AND GOA, AT THE FULL COURT REFERENCE TO LATE JUSTICE V.S. DESHPANDE, FORMER CHIEF JUSTICE, BOMBAY HIGH COURT, ON 11<sup>TH</sup> MARCH, 2013.**

Hon'ble the Chief Justice Shri Mohit S. Shah, Hon'ble Judges of this Hon'ble Court, Advocate General of Maharashtra Shri Darius S. Khambata, Additional Solicitor General of India Shri Kevic Setalwad, President of Bombay Bar Association Shri Rohit Kapadia, President of Advocate Association of Western India Shri Rajiv Patil, President of Incorporated Law Society Shri Dara Zaiwala, Family members of Chief Justice Deshpande, Members of Bar, Ladies & Gentleman.

1. We have assembled here this morning to mourn the sad demise of the former Chief Justice of our High Court, Justice V.S. Deshpande who left for his heavenly abode on 4<sup>th</sup> February 2013 at Pune at the ripe age of 93. On behalf of the Bar Council of Maharashtra & Goa, I share the sentiments that have been expressed and pay our tribute to late Justice V.S. Deshpande.

2. Born on 11<sup>th</sup> August, 1920, Justice Deshpande was educated at Yogeshwari Nutan Vidyalaya High School, Ambejogai and Osmania University Law College, Hyderabad. Justice Deshpande was enrolled as First Grade Pleader of the former High Court of Hyderabad in October, 1945. In the year 1957, he was enrolled as an Advocate at the Bombay High Court. Justice Deshpande did Criminal and Civil work on the Original Side while practicing in Hyderabad Court from 1945 to 1956 and Civil and Criminal work at the Appellate Side in Bombay High Court since 1957. He worked as Assistant Government Pleader in Bombay High Court from March 1961.

3. Justice Deshpande was appointed as Additional Judge of the Bombay High Court on 11<sup>th</sup> June, 1967 and was made a Permanent Judge on 8<sup>th</sup> January, 1968. He was appointed as Acting Chief Justice from 18<sup>th</sup> January 1980 to 19<sup>th</sup> November 1981. He was appointed as Chief Justice of Bombay High Court on 12<sup>th</sup> January 1981 and retired on 10<sup>th</sup> August, 1982.

4. Justice Deshpande was the 20<sup>th</sup> Chief Justice of our High Court and 8<sup>th</sup> Indian Chief Justice. He was the first Chief Justice of Bombay High Court to come from Marathwada region and was instrumental in setting up its Aurangabad Bench. His Judgements are the reflection of his deep knowledge of law.

5. In this hour of grief, on behalf of all of us, I convey our heartfelt condolences to the members of his family. May the Almighty give them strength to bear the great loss.

6. May the departed soul rest in eternal peace.

**ADDRESS BY SHRI ROHIT A. KAPADIA, SENIOR ADVOCATE AND PRESIDENT,  
BOMBAY BAR ASSOCIATION, AT THE FULL COURT REFERENCE TO LATE JUSTICE  
V.S. DESHPANDE, FORMER CHIEF JUSTICE, BOMBAY HIGH COURT, ON 11<sup>TH</sup>  
MARCH, 2013.**

My Lord the Chief Justice and other Hon'ble Judges of this Court, Mr. Khambatta, Mr. Setalwad, Mr. Rajiv Patil, Mr. Anil Singh and Mr. Zaiwalla, my colleagues at the Bar and members of the bereaved family.

I express my condolences first to this family. We have assembled here today to pay homage to an illustrious Chief Justice of this Court. It is said that the best persons to judge an individual are his peers. Chief Justice Deshpande had two sets of peers, the Bar and the Bench. When he was a Judge, he was respected by members of the Bar for his unfailing courtesy, for his ability to put everybody at ease, whether a junior or a senior. Those who were fortunate to have appeared before him (and I was one of them) could not help noticing that things would be perfect and good, whether you are a junior or a just getting on or whether you are a senior. He was quiet and he was cool. He never appeared to be in hurry but his board was moving all the time. His courtesy to the members of the Bar was reminiscent of the legendary courtesy of the Lucknowi man, who insisted upon saying "Pahle aap". May be it was due to his early years in Hyderabad. A little known fact of Chief Justice Deshpande was his proficiency in Urdu. It extended to even drawing his pleadings in Urdu in Hyderabad. His second set of peers was his brother Judges. His courteous view in Urdu made him an obvious choice to sit on the very first day of what we called "a baby judge" and to guide that judge through the early times that he would preside on the Bench. I know at least three such judges who sat with him on their first days. One of them after retirement was unstinted in his praise of the learned Judge. Chief Justice Deshpande was immersed in the upliftment of the Marathwada Region and was instrumental in its inclusion in Sanyukta

Maharashtra. His contribution was singular in the establishment of Aurangabad Bench of this Hon'ble Court.

He did not fade away after his Chief Justiceship. He became the Lokayukta of the State, a position to which he lent his vast knowledge, courtesy and simplicity. Another little known fact about him was his simplicity, after he ceased to be a Lokayukta and left the trappings of office he could be seen boarding a bus at the bottom of his house. There should be more persons like him. On behalf of the Bombay Bar Association and on my behalf, I extend my condolences to the bereaved family. May his soul rest in peace.

**ADDRESS BY SHRI RAJIV PATIL, SENIOR ADVOCATE AND PRESIDENT, THE ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE TO LATE JUSTICE V.S. DESHPANDE, FORMER CHIEF JUSTICE, BOMBAY HIGH COURT, ON 11<sup>TH</sup> MARCH, 2013.**

Honourable Chief Justice Mr. Mohit Shah, Honourable Judges of the Bombay High Court, Honourable Advocate General of Maharashtra, Mr. Darius Khambata, Honourable Addl. Solicitor General, Mr. Kevic Setalvad, Honourable Former Chairman of Bar Council, Mr. Anil Singh, Honourable President, Bombay Bar Association Mr. Rohit Kapadia, Honourable President, Incorporated Law Society, Mr. D.R. Zaiwalla, Members of Justice Deshpande's Family, Members of the Bar, Ladies and Gentlemen,

Mr. Venkat Shrinivas Deshpande, a former Chief Justice of Bombay High Court and a key person in creation of Aurangabad bench of Bombay High Court passed away at the age of 93.

I share the feelings and expressions of the Honourable Chief Justice and the representatives of the Bar about Justice V.S. Deshpande.

Justice Deshpande hailed from Ambejogai in Marathwada, and he practised law since 1945 at Hyderabad High Court and thereafter at Bombay High Court. He must be the only advocate or pleader who was enrolled thrice as an advocate at different points of time. First in 1945, thereafter in 1952 and in 1957. Till 1956 he practised at Hyderabad. He shifted to Mumbai in the year 1957 and practised at Bombay High Court. After the experience of more than 12 years he could easily made himself comfortable in commercial capital of India. He represented common man from rural Maharashtra and more particularly Marathwada region in every side of litigation.

A well known legal luminary Mr. V.S. Deshpande was elevated to the Bench on 11<sup>th</sup> June 1967 and after serving the cause of justice for common man he was elevated as Acting Chief Justice of Bombay High Court in January 1980. In January 1981, he was appointed as Chief Justice of the Bombay High Court which is premier High Court of the country having a long history.

Justice Deshpande was very humble, down to earth, judicious and admirable simple man. He never boasted about his achievements, nor created an aura about his Constitutional Post. His complete snow white hairstyle was mesmerising and this High Court saw a Chief Justice with such humbleness which cannot be compared. I am told by Seniors at the Bar, that he had typical style of asking the advocates in court during the hearings. He used to say "You may be right but I don't know how it fits in Law". This habit was carried forward by his junior till the Supreme Court.

On the Appellate side we are very proud of justice Deshpande. He made the Government of Maharashtra to decide about the infrastructure at Aurangabad for Bench of the Bombay High Court. He developed a confidence in judicial fraternity that Aurangabad Bench is necessity of Marathwada. He persuaded each and everybody to think about Marathwada after reorganisation of States. Nagpur had its right to have Bench of Bombay High Court however Aurangabad was not considered with similar status which was part of Hyderabad State.

The High Court is witness and party to so many disputes and controversies of creation of Aurangabad Bench. Ultimately Aurangabad proved its mettle and proved the fact that Justice V.S. Deshpande was right.

A Chief Justice without adhering to pressures and pleasures signed the document creating the Bench of Bombay High Court at Aurangabad and today Aurangabad proves the fact. The Chief Justice who created history and today it is part of the chronicles of Bombay High Court.

On behalf of Advocates' Association of Western India I sincerely pay my respect to the great Chief Justice and I pray may his soul rest in peace.

**ADDRESS BY SHRI D.R. ZAIWALLA, PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY, AT THE FULL COURT REFERENCE TO LATE JUSTICE V.S. DESHPANDE, FORMER CHIEF JUSTICE, BOMBAY HIGH COURT, ON 11<sup>TH</sup> MARCH, 2013.**

My Lord the Chief Justice Mr. Mohit Shah, the Hon'ble Judges of the Bombay High Court, Mr. Darius Khambata, the learned Advocate General, Mr. Setalvad, Additional Solicitor General of India, Mr. Rohit Kapadia, President of the Bombay Bar Association, Mr. Rajiv Patil, President of the Western India Advocates Association, Mr. Anil Singh on behalf of the Bar Council of Maharashtra and Goa, my colleagues at the Bar and Members of the family of Justice V.S. Deshpande:

1. It has fallen on me on behalf of the Incorporated Law Society to convey our grief on the sad demise of Justice V.S. Deshpande, former Chief Justice of Bombay High Court who left us on 4<sup>th</sup> February 2013 after his full allotted span of 93 years.

2. With respect I concur with the sentiments so eloquently expressed by my Lordship the Chief Justice and the Learned speakers before me and needs no repetition.

3. Justice Deshpande was a luminary of the Bombay High Court and he leaves behind an exemplary legacy of judicial politeness and substantial guidance to the Bench and the Bar. We shall all remember his courteous composure at the Bench in keeping with the highest tradition which Bombay High Court today commands. He had an excellent rapport with the members of the Bar which is so essential in the dispensation of justice. Having said that let me say to the members of Justice Deshpande's family that we are all subject to the tyranny of time. We have all to pass the journey through an allotted span of life given to each one of us by the great Cosmic Force that men call God but I believe the spirit lives on and travels to its next destination.

4. We wish the soul of Justice Deshpande a divine journey onwards. These are a few words of solace which Your Lordship would permit me on behalf of the gathering here to convey to the near and dear ones who Justice Deshpande leaves behind.

May His Lordship remains peaceful wherever he be.

**ADDRESS BY HON'BLE SHRI JUSTICE MOHIT S. SHAH,  
CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT  
BOMBAY AT THE COURT REFERENCE TO LATE MR.  
JUSTICE VENKAT SHRINIVAS DESHPANDE FORMER  
CHIEF JUSTICE OF THIS HIGH COURT, HELD ON  
THURSDAY, 14TH MARCH 2013 AT AURANGABAD**

My esteemed colleagues,

Former Judges of this Court

Mr. S.T. Shelke, President of Advocate's Association of the  
Bombay High Court at Aurangabad

Mr. Nitin Choudhary, Member of Bar Council of Maharashtra & Goa

Mr. Alok Sharma, Assistant Solicitor General

Mr. Kurundkar, Government Pleader

Senior Advocates,

Members of the Bar,

Members of the bereaved family

Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late Mr. Justice Venkat Shrinivas Deshpande, former Chief Justice of this High Court who left for his heavenly abode on 4 February 2013 at Pune at the age of 93 years.

2. It is my privilege and also privilege of my esteemed colleagues to hold this Court Reference to the son of soil - late former Chief Justice of this Court - in his own region. Probably, this is first of its kind, a unique and rare occasion in the history of a High Court.

3. Justice Deshpande popularly known as “Vyankatrao Deshpande” needs no introduction in the State of Maharashtra and particularly in the Marathwada Region.

4. Born on 11th August 1920 at Ambejogai in Beed District of Marathawada. Initially he pursued education in an institution founded by well known thinker Swami Ramanand Tirtha. Later, he studied at Yogeshwari Nutan Vidyalaya High School, Ambejogai.

He worked as the Teacher in the said school. However, as he was involved in education movement, Nizam of Hyderabad ordered removal of such teachers from the said school.

Late Prime Minister Shri P.V. Narsimha Rao had rightly said in his foreword to the Book that the Government of Nizam, by preventing Justice V.S. Deshpande from being a teacher, helped him to become Chief Justice.

5. Justice Deshpande graduated from Aligarh University and studied Law in the Osmania University Law College, Hyderabad. His interest was not only confined to study of law, but he joined a newspaper called “Payyam”. Initially, he worked as a Proof Reader and then was given charge as an Associate Editor.

6. Justice Deshpande enrolled as First Grade Pleader of the former High Court of Hyderabad in October 1945 and was permitted to appear in the High Court as per rules of the said High Court with effect from April 1947. He was enrolled as an Advocate at the Hyderabad High Court in October, 1952, after the Bar Council Act of 1926 was made applicable to the Hyderabad State. In the year 1957, he enrolled again as an advocate at the Bombay High Court as per provisions of the States Re-organization Act, 1956.

He argued Criminal as well as Civil matters on the Original Side while in Hyderabad Court from 1945 to 1956 and Civil and Criminal matters on the Appellate Side in the Bombay High Court since 1957. He worked as Assistant Government Pleader in this Court from March 1961. His industry, grasp of law and amiability gave him a position in the front rank. Justice Deshpande had acquired enviable reputation as an Advocate for more than 2 decades.

7. In recognition of his qualities of head and heart with which Justice Deshpande was endowed, he was appointed as Additional Judge of the Bombay High Court on 11th June 1967 and was made a Permanent Judge on 8th January 1968. He was appointed Acting Chief Justice from 19th October 1980 and was appointed Chief Justice on 12th January 1981. Justice Deshpande retired as Chief Justice of High Court of Bombay on 11th August 1982.

8. Justice Deshpande delivered a number of judgments in Full Bench headed by him as Chief Justice of this Court in various fields of law including Maharashtra Civil Courts (Enhancement of Pecuniary Jurisdiction and Amendment) Act & Bombay City Civil Court Act, Maharashtra Co-operative Societies Act, Bombay Village Panchayats Act, the Bombay Municipal Corporation Act, the Bombay Rent Act and Secondary Schools Code and several other branches. *Full Bench held in 1982 at Aurangabad with 2 other Judges – late Justice M.P.Kanade and Justice D.B. Deshpande – portraits of all these Judges i.e. Justice V.S. Deshpande, Justice M.P. Kanade and Justice D.B. Deshpande are adorning the hall of this Court at Aurangabad.*

His judgments show not only deep insight into law and jurisprudence, but also ability to analyse complex questions of law in simple and lucid language which would be easily understood by litigants and laymen.

9. Justice Deshpande was the first Chief Justice of Bombay High Court to hail from Marathwada region of Maharashtra. He was main architect of establishment of Aurangabad Bench of this Court.

10. The divergent views of this Court on the judicial side from the administrative views of Chief Justice V.S. Deshpande on this issue did not deter His Lordship to overcome insurmountable difficulties to ensure redressal of the feeling of regional imbalances.

11. The aspirations of people of this Region through various arduous agitations for fulfillment of demand had culminated in establishment of this Bench at the hands of Justice Deshpande. The subsequent challenge to the establishment of the Bench also failed in the Apex Court. Justice D.R.Dhanuka, former Judge of this Court and who was Counsel for the Chief Justice, wrote in his article that "this was most challenging litigation" in his legal practice of about 45 years.

12. Justice Deshpande authored a book in Marathi titled "औरंगाबाद खंडपीठ भूमिका आणि पार्श्वभूमी" on the background of history of the Aurangabad Bench of this Court. Love, affection and respect for Chief Justice V.S. Deshpande are, however, not matters of history. Today also Chief Justice V.S. Deshpande is as fondly remembered, the testimony for which is for request for a Court Reference for him at Aurangabad two decades after his retirement.

13. To my mind, today's Reference is a tribute to the vision of Justice Deshpande to bring justice to the door step of people in this Region and to see that number of Advocates adorn the Bench of this Court which has come true.

14. After retirement, Justice Deshpande was appointed as Lokayukta of the State of Maharashtra. He had also other assignments like Chairperson of the Reserve Bank Officers' Selection Committee and Chairman of the Tripartite Committee constituted for looking into the problems faced by the cotton mills in Mumbai.

15. His passing away has left void in our lives and also in the hearts of all those who knew him. Justice Deshpande is survived by son Abhay Deshpande, and daughters Mrs. Shalini Sonvalkar, Mrs. Shobha Naik, Mrs. Medha Sardeshmukh. Shri Justice A.B. Naik, former Judge of this Court, is the son-in-law of late Justice V.S. Deshpande.

16. In this hour of grief, my colleagues and I share the feelings of all those who have gathered here in expressing our heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss and overcome the grief.

May the departed soul rest in eternal peace.

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**ADDRESS BY SHRI SHIVAJI T. SHELKE, PRESIDENT OF  
ADVOCATES ASSOCIATION OF BOMBAY HIGH COURT AT  
AURANGABAD AT THE COURT REFERENCE TO MR.  
JUSTICE VENKAT SHRINIVAS DESHPANDE FORMER  
CHIEF JUSTICE OF THIS HIGH COURT, HELD ON  
THURSDAY, 14TH MARCH 2013 AT AURANGABAD**

My Lords,

On behalf of the Bar I associate myself with what had fallen from My Lord, the Chief Justice.

We meet here today to mourn the loss of former Chief Justice of Bombay High Court Shri V.S. Deshpande who left for heavenly abode on 4<sup>th</sup> February 2013 at the age of 93. Justice Deshpande was born on 11<sup>th</sup> August, 1920. He completed his school education from Yogeshwari Nutan Vidyalaya, Ambejogai. He passed out Law degree from Osmania University, Hyderabad. Before joining the Bar he worked as a teacher in Yogeshwari High School, Ambejogai and Rajasthan High School, Latur. In Hyderabad, he also worked with the newspaper as an assistant editor and also part time accountant in a private firm. Thereafter, he was enrolled as First Grade Pleader of the former High Court of Hyderabad State in October, 1945 and was permitted to appear in the High Court as per rules of the said High Court with effect from April 1947. He enrolled as an Advocate at the Hyderabad High Court in the month of October, 1952, after the Bar Council Act of 1926 was made applicable to the Hyderabad State. After the reorganization of the States, he again enrolled at Bombay High Court in the year 1957. He did Criminal and Civil work of mostly Original Side while practicing in Hyderabad Court from 1945 to 1956. He did Civil and Criminal work at the Appellate Side in Bombay High Court since 1957. He worked as

Government Pleader, in the Hyderabad State from January 1955 till the end of October 1956. He was also Assistant Government Pleader in Bombay High Court from March, 1961. He was appointed as Additional Judge of Bombay High Court on 11<sup>th</sup> June 1967 and as the permanent Judge on 8<sup>th</sup> January 1968. Justice Deshpande retired on 11<sup>th</sup> August 1982 as the Chief Justice of Bombay High Court. He was the first Judge and also the first Chief Justice of Bombay High Court from Marathwada region. He was also instrumental in setting up of Aurangabad Bench. After retirement, Justice Deshpande also worked as Lokayukta of the State.

Bench of High Court at Aurangabad came to be established by an order issued by the then Hon'ble Chief Justice V.S. Deshpande u/s 51(3) of the State Reorganization Act, 1956, with the consent of the Government of Maharashtra. The establishment of the Bench fulfilled the long awaited wishes of the public of this region. It was the demand of the public of this region to establish the Bench of the High Court at Aurangabad as per the Nagpur Pact. One Mr. Narayan Puranik, a journalist challenged the said order by filing Writ Petition in the High Court of Bombay. At that time the atmosphere was unfortunately surcharged because of divided opinion amongst lawyers, judges and journalists. The allegations were made against Justice Deshpande that the powers were exercised colourably and malafide. It was also alleged that Bench has been established at the behest of the then Chief Minister of the State without any justification and without any authority of law. The said Writ Petition was admitted and judicial functioning of the Bench of the High Court at Aurangabad was restrained. However, the Learned Court observed that the administrative preparation would continue but the Bench should not start functioning during the pendency of the Writ Petition. An appeal came to be filed before the Division Bench which modified the interim

order by permitting final hearing of the matters that too only with the consent of parties and their advocates and not otherwise. The matters for admission could not be therefore heard at the bench of Aurangbad. The functioning of the Bench therefore started with these limitations. Unfortunately, the Writ Petition was allowed and the Bench at Aurangbad was directed to be immediately wound up. Thereafter, an SLP was filed in the Hon'ble Supreme Court challenging this order. Fortunately, the Hon'ble Supreme Court quashed the order of the High Court passed in the said Writ Petition and upheld the administrative order passed u/s 51(3) of the State Reorganization Act, 1956. The Hon'ble Apex Court further held that the Chief Justice had acted bonafide and within the scope of his powers.

Justice Deshpande was the main Architect of establishment of Aurangabad Bench. The litigants, advocates and the public at large of Marathwada region would remember Justice Deshpande so long as this Bench functions. The justice has been brought to the doorsteps of the litigating public. The memories of Justice Deshpande would be cherished forever. On behalf of the Advocate Association of Bombay High Court at Aurangabad Bench, I associate myself with the expression of grief of the sad demise of Justice Deshpande. Lastly, I along with all Bar members extend our warmest sympathies to the members of his family. I pray to the God to bestow upon the members of the bereaved family all his vigor and blessings to bear with the sad demise of Justice Deshpande. May the noble soul rest in eternal peace and tranquility.

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**ADDRESS BY SHRI NITIN LAXMAN CHOUDHARI AS A MEMBER, FOR HIMSELF AND BAR COUNCIL OF MAHARASHTRA & GOA AT THE COURT REFERENCE TO MR. JUSTICE VENKAT SHRINIVAS DESHPANDE FORMER CHIEF JUSTICE OF THIS HIGH COURT, HELD ON THURSDAY, 14TH MARCH 2013 AT AURANGABAD**

My Lord the Chief Justice,

Honourable Judges of the Aurangbad bench of the Bombay High Court,

Mr. Shelke, President of the High Court Bar Association at Aurangbad Bench,

Mr. Alok Sharma, Assistant Solicitor General of India

Mr. S.V. Kurundkar, Government Pleader, High Court bench at Aurangbad

Members of the Bar,

Ladies and Gentlemen.

1. On behalf of the Bar Council of Maharashtra and Goa, I whole heartedly associate with the sentiments of my Lord the Chief Justice and whatever has been said by the learned President of High Court Bar Association at Aurangbad Bench.

2. We have assembled here this morning to mourn the sad demise of Shri Justice V.S. Deshpande, who passed away on 4<sup>th</sup> February 2013.

3. His Lordship was born on 11<sup>th</sup> August 1920. His Lordship was educated at Yogeshwari Nutan Vidyalaya High School, Ambejogai, Osmania University Law College, Hyderabad. His Lordship enrolled as First Grade pleader of the former High Court of Hyderabad in October, 1945 and was permitted to appear in the High

Court as per rules of the said High Court with effect from April 1947. His Lordship enrolled as an Advocate at the Hyderabad High Court in October, 1952. In the year 1957 His Lordship enrolled again as an advocate at the Bombay High Court as per provisions of the States Reorganization Act, 1956. His Lordship did Criminal and Civil work of Original Side while practicing in Hyderabad Court from 1945 to 1956 and Civil and Criminal work at the Appellate Side in Bombay High Court since 1957. His Lordship worked as Assistant Government Pleader in Bombay High Court from March 1961. His Lordship was appointed as Additional Judge of the Bombay High Court on 11<sup>th</sup> June 1967 and was made a permanent Judge on 8<sup>th</sup> January 1968. His Lordship was appointed Acting Chief Justice from 19<sup>th</sup> October 1980. His Lordship retired as Chief Justice of High Court of Bombay on 11<sup>th</sup> August 1982.

4. It is a matter of record that His Lordship was the father of Aurangabad Bench of the Bombay High Court. We sincerely acknowledge that only because his whole hearted support and wish the Bench could be established at Aurangabad and now catering to the needs of the needy and poor persons of the vicinity. His Lordship was known as a man of kind heart.

5. On this occasion, I am recommending on behalf of Bar Council of Maharashtra and Goa to Your Lordship to make "Smarak" of His Lordship Justice V.S. Deshpande in the premises of High Court Bench at Aurangabad.

6. I pay my tribute to his memory and extend sympathies of Members of the Bar Council of Maharashtra and Goa to the members of the bereaved family. May his soul rest in peace.

**ADDRESS BY SHRI ALOK SHARMA, ASSISTANT SOLICITOR GENERAL OF INDIA, HIGH COURT BENCH AT AURANGABAD, AT THE COURT REFERENCE TO MR. JUSTICE VENKAT SHRINIVAS DESHPANDE FORMER CHIEF JUSTICE OF THIS HIGH COURT, HELD ON THURSDAY, 14TH MARCH 2013 AT AURANGABAD**

Hon'ble the Chief Justice Mohit Shah,

Hon'ble Judges of the High Court,

Members of bereaved family of Late Shri Venkatraoji Deshpande, and  
Members of the Bar.

My Lords, we all have gathered here to offer our condolences to the departed soul of Late Shri Venkatraoji Deshpande, who will always be remembered by the people of Marathwada for having played a very important role in the establishment of the Bench of Bombay High Court at Aurangabad.

My Lords, Late Shri Venkatraoji Deshpande was born in a family of a Teacher at Ambejogai. After his Graduation, he had enrolled himself in Government College of Aurangabad where he studied and thereafter he shifted to Hyderabad for pursuing higher studies. While pursuing the same, he worked as a Sub-Editor in Daily published from Hyderabad and had also worked as a part time Accountant in a private firm.

Late Shri Venkatraoji Deshpande started his practice mainly in the City Civil Court, Hyderabad and the Revenue Courts. After getting sufficient experience, he gradually shifted to High Court at Hyderabad. Late Shri Venkatraoji Deshpande was permitted to appear in the High Court as per Rules of the High Court w.e.f. 1st

April 1947. Late Shri Venkatraoji Deshpande had enrolled himself at Bombay High Court in the year 1957 and worked at Criminal and Civil Side at the Appellate Side in the Bombay High Court. He also worked as Assistant Government Pleader in the High Court of Judicature of Bombay from 1961. Late Shri Venkatraoji Deshpande had been appointed as a Additional Judge of the Bombay High Court on 11th June 1967 and permanent Judge on 8th January 1968. He was appointed as the Chief Justice of the Bombay High Court from 7th January 1981.

Late Venkatraoji Deshpande had issued an Order under Section 51(2) of the State Reorganization Act to establish a Bench of High Court at Aurangabad, which eventually lead to the formation of the Bench at Aurangabad. This has made it very convenient to the litigants of the Region to pursue their cause and has saved time and money.

My Lords, Shri Venkatraoji Deshpande in the judgment of Yamunabai vs. Parape had held that the property in possession of the widow prior to the commencement of the Hindu Succession Act makes her the absolute owner by operation of Section 14(2) of the Hindu Succession Act. This was the first judgment interpreting the ambit and scope of Section 14(2) of the Hindu Succession Act. This become a trend setter and had been approved by the Hon'ble Supreme Court in the case of Tuljama Vs. Sherappa. Late Shri Venkatraoji Deshpande gave affectionate treatment to all the Members of the Bar and his Court Room was always pleasant.

Late Shri Venkatraoji Deshpande had also been associated with the Saraswati Educational Institute at Aurangabad and as a President of Yogeshwari Education Institute at Ambejogai. After having retired as the Chief Justice of the Bombay High Court late

Venkatraoji Deshpande was appointed as the Chairman of the Reserve Bank of India Officer Selection Committee and also as a Lokayukta for the State of Maharashtra.

My Lords, I am reminded of the famous quote made by Abraham Lincoln, which I quite;

“I like to see people be proud of the place in which they live. I like to see people so live that his place should be proud of him.”

My Lords, Late Shri Venkatraoji Deshpande has so lived his life that the people of this Region, the Bar and the Bench will always be proud of him.

I on behalf of the Office of Union of India and as a Member of the Bar offer my heartfelt condolences to the family and pray that the departed soul of Late Shri Venkatraoji Deshpande rests in eternal peace.

**ADDRESS BY SHRI SUNIL V. KURUNDKAR, GOVERNMENT  
PLEADER, HIGH COURT BENCH AT AURANGABAD AT  
THE COURT REFERENCE TO MR. JUSTICE VENKAT  
SHRINIVAS DESHPANDE FORMER CHIEF JUSTICE OF  
THIS HIGH COURT, HELD ON THURSDAY, 14TH MARCH  
2013 AT AURANGABAD**

Hon'ble the Chief Justice,

Hon'ble Judges of the High Court.

We have gathered here to express our deep sorrow for departed soul of Hon'ble late Shri Justice V.S.Deshpande, former Chief Justice of High Court of Judicature at Bombay.

Some people do not get any thing easily. Such is the case of Hon'ble late former Chief Justice Shri V.S. Deshpande.

His Lordship hailed from Ambejogai, which is well known for its culture, as well as legacy, though a small town in the then State of Hyderabad. After completing the school education, His Lordship Hon'ble late Justice Shri V.S. Deshpande went to Hyderabad for further education and after completing Law Graduation, His Lordship was enrolled as First Grade Pleader of High Court at Hyderabad.

Hon'ble late Justice Shri V.S. Deshpande as well as many other prominent Advocates at Hyderabad from Marathwada Region were well settled at Hyderabad. After Reorganization of States, all of them were required to shift to Mumbai.

This was a major challenge as the culture as well as atmosphere of Bombay and Hyderabad differed vastly. Even then His

Lordship Justice Shri V.S. Deshpande established himself as the most efficient and competent Advocate. His tenacity as well as hard work and gentle manner in pursuing the point of argument established him as a prominent Advocate. His Lordship worked as Assistant Government Pleader from March 1961. His Lordship, though courteous and gentle, was firm in conviction and that marked His Lordship's Greatness.

The High Court of Bombay duly recognized the competence of Justice Shri V.S. Deshpande and thus His Lordship was elevated as Additional Judge of High Court of Bombay on 11<sup>th</sup> June 1967. He was the first person to be elevated from amongst the Advocates who had come from former Hyderabad State. His Lordship was made permanent Judge of High Court of Bombay on 8<sup>th</sup> January 1968.

As a Judge of this Hon'ble High Court, His Lordship Justice Shri V.S. Deshpande made a permanent mark of his own as a firm but not arbitrary, gentle but not weak Judge.

Honourable Shri Justice V.S. Deshpande assumed charge as Acting Chief Justice of Bombay High Court on 19<sup>th</sup> November, 1980 and was appointed as Chief Justice on 12<sup>th</sup> January 1981.

His Lordship had always been very graceful and dignified during court proceedings and handled even the most difficult cases with comfort at his command.

The most remarkable quality of His Lordship can be said to be his extra-ordinary courage and firmness in establishing the Bench of High Court of Bombay at Aurangabad.

Establishment of Bench, other than the Principal Seat, was the most difficult task. In fact, it was the most necessary aspect to

have a Bench at Aurangabad. The Bench at Nagpur existed already but for people of Region known as Marathwada it was not only helpful but a necessity to have a Bench on both counts, distance and convenience.

It was only due to efforts of all the Bench at Aurangabad has been established when Justice Shri V.S. Deshpande was the Chief Justice. During all this period, His Lordship stood firm and thus the people of this Region are permanently indebted to him.

On my behalf and on behalf of my colleagues at the Government Pleader's office, I offer heartfelt condolences to the members of bereaved family.

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