

ADDRESS BY HON'BLE THE CHIEF JUSTICE SHRI DIPANKAR DATTA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE JUSTICE D.R. DHANUKA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON NOVEMBER 16, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

My esteemed sister and brother Judges,

Shri Anil Singh,
Additional Solicitor General of India,

Shri Ashutosh A. Kumbhakoni,
Advocate General of Maharashtra,

Dr. Uday P. Warunjikar, Member,
Bar Council of Maharashtra & Goa,

Shri Nitin Thakker, President, Bombay Bar Association,

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

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

Members of the Dhanuka family including my esteemed colleague Justice Ramesh Dhanuka,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff,

Ladies and Gentlemen.

We have assembled this morning to pay obeisance to Justice Deokinandan Ramlal Dhanuka, a distinguished former Judge of the Bombay High Court, who left for his heavenly abode on 2nd October, 2021 at the ripe old age of 87 at his residence at Goregaon.

Although parting is always painful and it is really sad that Justice D.R. Dhanuka is no longer in our midst, His Lordship lived a life full of honours and achievements and would remain as one worthy of emulation.

Justice D.R. Dhanuka was born on 21st March, 1934. After matriculation, His Lordship obtained the Bachelor's Degree in Law from the Government Law College, Bombay with First Class. His Lordship was the recipient of Sir Chimanlal Setalvad Golden Jubilee Memorial prize and Sir Narayan Chandavarkar Hindu Law Scholarship.

After passing the Advocates' Examination conducted by the Bar Council of Maharashtra in 1956, figuring at the top of the list of successful candidates, His Lordship enrolled as an advocate of the High Court of Bombay on 18th December, 1956 and in 1959, enrolled as an advocate of the Supreme Court of India.

Before elevation, Justice D. R. Dhanuka was part-time Professor in the Government Law College, Mumbai; Chairman of the Legal Education Committee and the Disciplinary Committee of the Bar Council of Maharashtra; Member of the Bar Council of Maharashtra and Goa from 1964 to 1990; Chairman of such Council during 1979-80; designated as a Senior Advocate by the Bombay High Court in February 1979; Special Senior Counsel for the Government of India, Government of Maharashtra, several public sector Corporations as well as Additional Standing Counsel for the Income Tax Department for over 8 years. His Lordship handled large number of cases involving issues relating to Constitutional laws, Administrative Law, Customs Act, Excise Act, Gold Control Act, COFEPOSA, etc.

Justice D. R. Dhanuka was also actively associated with the functioning of the Bar Associations and was member of the Bombay Bar Association, Advocates' Association of Western India and Bombay City Civil Court and Sessions Court Bar Association. His Lordship was President of the City Civil Court Bar Association in

its Silver Jubilee Year in 1972. Incidentally, His Lordship was co-founder of Progressive Law Association. The object of such association was to take steps for law reforms and dissemination of legal information.

As a lawyer, Justice D. R. Dhanuka appeared for the All India Congress Committee when one of its functions as a part of its centenary celebrations in 1985 was challenged in the Bombay High Court. His Lordship also had the rare distinction of appearing for four Prime Ministers of India, i.e., Morarji Desai, Chowdhary Charan Singh, Indira Gandhi and Rajiv Gandhi. His Lordship also appeared for the Chief Minister of Maharashtra, Shivajirao Nilangekar Patil and the Chief Minister of Goa, Pratap Singh Rane.

As a bar councillor, along with late Mr. M. P. Vashi, His Lordship started continuing legal education for junior lawyers and ran such programme successfully till elevation as a Judge. In this programme, a large number of Judges and Senior Advocates addressed the lawyers who participated in lecture sessions and workshops. Needless to mention, a large number of junior lawyers were immensely benefitted.

On 30th July, 1990, Justice D.R. Dhanuka was appointed as an Additional Judge of the Bombay High Court and on 10th December, 1990, as a Permanent Judge. His Lordship demitted office on 20th March, 1996.

During his relatively short tenure as a Judge of the Bombay High Court, the outstanding qualities that Justice D.R. Dhanuka possessed paved the way in rendering innumerable path-breaking judgments. Few of such judgments are:

1. In Ramniklal Tulsidas Kotak v. Varsha Builders, reported in 1993(1) Mh.L.J. 323 - The Court laid down the guidelines for advocates and solicitors to issue Title Certificates of immovable property;

2. In re: Anthony Fernandes, reported in 1993 (1) Bom C.R. 580 - the Court relied upon the provisions of Bombay Regulation VII of 1827 as "law in force" and held that the High Court exercising powers as District Court can issue heirship certificates;
3. In Oil & Natural Gas Commission v. Offshore Enterprises Inc., reported in 1993 (2) Bom C.R. 618 - the High Court deprecated the practice of advocates acting as an advocate as well as a power of attorney holder for the clients, holding that such acts were against rules of ethics, code of conduct and etiquettes for the lawyers.

Known as 'Bhaiji', His Lordship's life was an inspiration to anyone aspiring to become a lawyer and to do something for the legal fraternity as well as humanity. After arriving in Bombay at the age of 16, he started working to support his family as a typist on a salary of Rs. 75/- per month; he completed his education and fulfilled his dream of becoming a lawyer and achieved his professed love of life, i.e., legal education, legal literature and law practice. His life is an inspiration and an example of what one can achieve with sheer will, determination, hardwork, industry and perseverance.

After retirement as Judge of the Bombay High Court, His Lordship resumed practice in the Supreme Court of India as also in other High Courts in selected matters. On 28th February 1997, the Securities and Exchange Board of India (SEBI) appointed a Committee under the Chairmanship of His Lordship to examine the areas of deficiency in the SEBI Act, 1992, Securities Contract (Regulation) Act, 1956 and Depositories Act, 1996. In 1999, His Lordship was appointed as Public Representative Director on the governing board of Bombay Stock Exchange (BSE) and on 29th September 2002, was appointed as the first non-executive Chairman of the Bombay Stock Exchange. His Lordship addressed several seminars on the subject of 'security legislations'.

His Lordship also was a founder Chairman of Ghanshyam Saraf Girls College, Malad; Examiner for Ph.D degree in law of the University of Mumbai; Member, Advisory Board of the Government Law College; founder Trustee of Dalmia Lions College of Commerce and Economics, Chairman of the Legal Advisory Committee of the University of Mumbai, Trustee of Kaivalyadham, a premier institute of Yoga, as also trustee of several public charitable trusts.

His Lordship addressed National Conference of the Institute of Company Secretaries of India on Corporate Governance; wrote series of articles for 'Economic Times' on the subject of Sick Industrial Companies (Special Provisions) Act, 1985 and presented papers before the Law Commission of India on reforms in arbitration law; also wrote articles on - rights of legitimised children under Hindu Law; whether Arbitration law is required to be reviewed urgently?; Amendment of Arbitration and Conciliation Act; Review Petition in proceedings under Section 37 of the Arbitration Act; a comment on N. Radhakrishnan v. Maestro Engineers [2012 (1) SCC J-21]; and whether Section 8 of Arbitration Act is mandatory? [This article was cited by the Supreme Court in N. N. Global v. Indo Unique – (2021) 4 SCC 379].

I am also told that His Lordship, post retirement, started a free legal aid centre at Goregaon. This was run on Saturdays and Sundays where he would devote almost his entire day. A large number of persons benefitted from the services rendered. This centre was run for over 10 years and had to be discontinued because of His Lordship's failing health. During the days of law practice, His Lordship would accept anyone as his pupil even without any reference or recommendation. He had a distinction of being associated with over 36 lawyers who proudly and affectionately called him as Masterji, from amongst whom 6 have become Judges of the Bombay High Court.

Post retirement, His Lordship continued all his activities with zeal and enthusiasm, which included legal practice, consultation, arbitration, social work, legal aid, legal education and much more. His indomitable spirit in pursuit of service of law was with him till the end and will inspire generations to come.

It is my utter misfortune that I missed the opportunity of meeting His Lordship and to personally seek the blessings of such a great and multi-faceted personality.

His Lordship is survived by two sons of whom Justice Ramesh Dhanuka is a valued colleague of mine while the other is a successful businessman, two daughters, daughters-in-law and grandchildren, who are all advocates by profession. I hope and trust that they would faithfully carry forward the legacy and ideas left behind by Justice D.R. Dhanuka.

On behalf of my esteemed colleagues and on my personal behalf, I extend sincerest condolences to the members of the bereaved family. I pray that the Almighty give them the strength to bear the irreplaceable loss and also pray that the noble soul of Justice D. R. Dhanuka attains "sadgati".

Om Shanti ! Shanti !! Shanti !!!

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ADDRESS BY SHRI ANIL SINGH, ADDITIONAL SOLICITOR GENERAL OF INDIA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE JUSTICE D.R. DHANUKA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON NOVEMBER 16, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

Hon'ble the Chief Justice

Hon'ble Judges of this Court,

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Advocate General of Maharashtra,

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

Family Members of Late Justice Dhanuka,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff,

Ladies and Gentlemen.

A great human being, a great legal luminary with full efficiency and sincerity, a constitutional expert, an avid reader, a prolific writer, a perfectionist, an educationalist and most of all, an ardent teacher, are only some of the qualities that can describe a great personality that late Justice D.R. Dhanuka was.

Life of Justice D.R. Dhanuka, popularly known as "Bhaiji" among his friends, colleagues and peers is an inspiration to anyone aspiring to become a

lawyer and do something in service of the legal fraternity and humanity.

Justice Dhanuka came to Mumbai at the age of 16 and started to work to support the family as a Typist on a salary of Rs.75/- per month, he completed his education and fulfilled his life-long dream of becoming a lawyer. His life is truly an inspiration for all. He was a legendary lawyer, judge, teacher, guide and philosopher for a large number of people. This is the story of Justice D. R. Dhanuka.

As a lawyer, Justice Dhanuka was known to be a man of principles and believed in leading a very disciplined life. Having known Justice Dhanuka right from his lawyer days, I remember the days when justice Dhanuka used to reach his chamber, ahead of time every morning. That time, his chamber was located at third floor of a building called Bhupen Chambers in fort area. I was a junior myself at that time, and I remember his chamber juniors were always very early to arrive at chambers too.

In those days, the chamber of Justice Dhanuka used to be really small, perhaps of dimension of 10 x 8 feet with book racks on the walls and five chairs cramped in the visitor's area. The visitors had to cramp themselves to sit on those chairs. I was told that, when Justice Dhanuka was asked about the lack of space in his chamber, he used to say, and rightly so, that people come to visit and consult him and not enjoy his chambers and that even if he sat under a banyan tree, people would still come to consult him. Such was the greatness of Justice Dhanuka!

As a lawyer, whenever Justice Dhanuka, was not actually arguing the matter in the court he used to spend his time in the High Court Library, reading and researching for his matters along with his juniors, sitting in a pool of research

books.

As mentioned by Hon'ble Chief Justice, he had rare distinction of appearing for four Prime Ministers of India i.e. Chowdhary Charan Singh, Morarji Desai, Indira Gandhi and Rajiv Gandhi. He also appeared for the then Chief Minister of Maharashtra, Shivajirao Nilangekar Patil and Chief Minister of Goa, Pratap Singh Rane. He represented each client with equal vigour and enthusiasm.

Justice Dhanuka was a very reputed lawyer and was usually always swamped with work. In spite of having so much on his plate, Justice Dhanuka made sometime in the day for something that he considered extremely important. And that is training his juniors. Justice Dhanuka believed that a senior must give some time to his to train and help them in the early days of their practice. Certain qualities such as discipline, integrity and high level of competence, were always bestowed to any person who was associated with the Dhanuka Chamber. Justice Dhanuka took the responsibility of working on his juniors seriously.

It is hence not very surprising that, apart from Justice Dhanuka himself, several other great legal luminaries and High Court judges have the privilege of belonging to Justice Dhanuka's Chamber, such as Retd. Justice Jhunhunwala, Retd. Justice Devadhar, Retd. Justice Tated, Retd. Justice Sondurbaldota and Justice Ramesh Dhanuka himself! Other juniors belonging to Justice Dhanuka's Chamber too are doing exceedingly well in their respective fields including Shri D. H. Mehta, ASG Jakhadi, Senior Advocate Shri S.U. Kamdar and Senior Advocate Shri Milind Sathe, the former President of the Bombay Bar Association.

As a lawyer, Justice Dhanuka also made it a point to find time and took the initiative to be a part of the work related to the Bar Council of Maharashtra & Goa

for which he was elected member since 1960 and continued to be so, till he was elevated as a judge. In fact, Justice Dhanuka was the chairperson of the Bar Council of Maharashtra and Goa. Justice Dhanuka was also instrumental in starting a Continuous Legal Education Program for junior lawyers by the Bar Council.

Justice Dhanuka believed that a lawyer, as a professional, always owes to the society and must take efforts to return the favors that the society has bestowed on him. When Justice Dhanuka was a lawyer, he along with a few other friends, including my father, Late Shri Chandrabali Singh started the “Malad Advocates’ Association”. He was a President for this association for some years, thereafter my father took charge as a president. After this association was formed, the first work that this association did, was to start a legal aid clinic. Every Sunday, the group of lawyers would assemble at a designated place and give free legal aid to the needy and the poor persons. This legal aid clinic would always attract large number of persons belonging to poor families seeking free legal aid in multiple arenas of law.

Justice D.R. Dhanuka argued multiple matters touching upon almost all arenas of law including constitution, civil, criminal, service, direct and indirect taxation, environment, Co-operative Societies Act, ULC Act and company law. Justice Dhanuka’s matters were highly reported in legal journals. He used to also appear regularly in the High Court of Madhya Pradesh, High Court of Cochin, Kerala, Goa Bench of High Court of Bombay and Supreme Court of India.

Justice Dhanuka was instrumental in the establishment of the Aurangabad bench of the Bombay High Court. The Notification for setting up bench of Bombay High Court at Aurangabad, was struck down by the Division Bench of this court, where Justice Dhanuka appeared for the then Chief Justice. The Judgment

was delivered on Monday and the inauguration was on Saturday. Between Monday & Saturday Justice Dhanuka along with the then Advocate General Shri Arvind Sawant and Senior Advocate Fali Nariman moved the Supreme Court. The Supreme Court stayed the order of Bombay High Court and the inauguration took place on the scheduled date. This happened in 1981. Since last 41 years the bench has been successfully functioning and recently we have also inaugurated the additional new building of Aurangabad Bench.

Justice Dhanuka was also known to be a complete family man. He never resisted the distractions and interruptions from his family members during working hours. Justice Dhanuka's family was large, consisting of his wife and 5 children along with his 2 brothers and their families. Justice Dhanuka, being the Head of the family held his family together and supported the entire family very efficiently. In fact, Justice Dhanuka had rejected judgeship in the early days of his practice, owing to his family responsibilities.

As a Judge, Justice Dhanuka dealt with a host of matters. He has rendered innumerable judgments, both as Single Judge as well as a part of the Division Bench.

Justice Dhanuka was a prominent figure in public life even post his retirement. To his credit, he was the Founder, Chairman of Ghansyam Saraf Girls College, Malad; and also founder trustee of Dalmia Lions College of Commerce & Economics, where I myself have completed my graduation. He was also a trustee of several other public charitable trusts including Kaivalya Dham, a premier institute of Yoga. He has also adopted a school at Aksa village, Mud Island, Malad, and used to give heavy monetary donations regularly. This school used to impart education to tribal children and children belonging to the "koli" community of Maharashtra.

Justice Dhanuka believed in “Work is worship” and lived upto his moto till the very end of his life. Even at the age of 87, Justice Dhanuka was a person who was always full of life and loved involving himself in social activities. Even at the age of 87, Justice Dhanuka ran a free legal aid center on Saturdays and Sundays, where he imparted free legal aid to under-privileged people.

He was hospitalized recently due to illness at Bombay Hospital. I went to visit him at the hospital during this time. Even at that age he was extremely receptive towards me and discussed several matters of mine, some of which were reported in the newspapers and law journals. This shows that he always kept himself updated with the law and legal developments.

His legacy is continued by his son, Justice Ramesh Dhanuka, who is also one of the most loved and respected sitting judges of our High Court.

Justice Dhanuka will truly be missed by judges and lawyers like. Even after his sudden demise, Justice Dhanuka’s independent voice will continue to resonate in public life.

His demise is an immense loss to the Nation and to the legal fraternity. I offer my deepest condolences to his family and pray that his soul may rest in eternal peace.

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ADDRESS BY SHRI ASHUTOSH A. KUMBHAKONI, ADVOCATE GENERAL OF MAHARASHTRA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE JUSTICE D.R. DHANUKA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON NOVEMBER 16, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Family Members of Late Justice Dhanuka,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff,

Ladies and Gentlemen.

It was really a pleasure and privilege to conduct matters before Justice D. R. Dhanuka. I was one of the beneficiaries, amongst others, of the encouragements showered upon juniors of the Bar, by Justice D.R. Dhanuka. With a smiling face, and in a very polite manner, Justice D. R. Dhanuka, used to correct errors and mistakes committed by juniors, in an encouraging tone. In my view, Justice D.R. Dhanuka was first an extra-ordinary teacher, who was a great source of inspiration for juniors and then everything else, Judge, philanthropist, lawyer

etc.

I had many occasions to argue complex factual and legal issues before Justice D.R. Dhanuka, especially, when Justice D.R. Dhanuka was dealing with Second Appeals, as a Single Judge, in Court Room No.54. More than once Justice D.R. Dhanuka was pleased to appoint me as amicus.

Justice D.R. Dhanuka came alone to Mumbai, the city of dreams and opportunities, from village Ramgad District Sikar, Rajasthan and with sheer hard work, honesty, dedication, and sincerity, along with other enviable qualities, literally conquered the legal field. For Justice D.R. Dhanuka everything was law, not just carrier but even hobby, passion, me-time, even pass-time. Even when he was at the peak of his carrier, as a lawyer, Justice D.R. Dhanuka would, every day, spend two to three hours, in the evening, with the Bar Council. On Sundays as well, Justice D.R. Dhanuka used to devote his morning time from 10 AM to at least 1.30 PM for free legal aid.

Justice D.R. Dhanuka was a man of principles, ethics and high moral values. Justice D.R. Dhanuka used to appear for State and various local bodies, where fees can never be a consideration for accepting a brief. In any case, Justice D. R. Dhanuka never returned a brief for want of fees. Justice D.R. Dhanuka along with others promoted and organized lecture series, for young entrants of our profession, throughout the State.

Justice D.R. Dhanuka has delivered Judgements, almost on every branch of law, which are reported in various Law Reports. These Judgements deal with intricate legal issues and settle them in clear, definite, yet simple language. Having carefully read most of them. during the Diwali vacation, I found it impossible to choose some of them and leave others, for mentioning in my today's address, of just three minutes.

Despite retirement, Justice D.R. Dhanuka, continued his interest in law passionately. Apart from other activities, relating to law, some of which have been and are being mentioned today by other speakers, Justice D.R. Dhanuka has authored many articles, which are published by various Law Journals, including the Web Edition of SCC OnLine. I may refer to three of them, though briefly given the time constrains.

In the article titled as “Easy Enforcement of Foreign Awards in India – A Critical Analysis”, which dealing with the Judgment delivered by the Hon’ble Supreme Court in the case of Shri Lal Mahal Ltd., providing for easy enforcement of foreign awards in India, by interpreting Section 48(2)(b) of the Arbitration and Conciliation Act, 1996, overruling its earlier judgment delivered in the case of Phulchand Exports Ltd, Justice D. R. Dhanuka has expressed a view:

It was held by the Supreme Court that while considering the enforceability of foreign award, the Indian court does not exercise appellate jurisdiction over foreign award. Thus, the foreign award being an international award covered by “New York Convention” was enforceable in India under Section 48 of the Arbitration and Conciliation Act, 1996, notwithstanding the plea that it was opposed to Indian law.

In my opinion, the latest judgments of the Supreme Court upholding foreign awards with minimal scope for interference at enforcement stage is welcome. It shall not to be appropriate to set aside foreign awards by Indian courts directly or indirectly on merits or on the ground of “patent illegality” if the subject-matter were to be adjudicated under Indian Law.

In another Article titled “Amendment of Arbitration & Conciliation Act, 1996 - Need for”, Justice D.R. Dhanuka, has expressed a view, which I quote :

The author does not agree that the Preliminary Order i.e. Ad-interim Order, should be merely binding but not enforceable by

the Court. It is suggested that Preliminary Order should be enforceable by the Court and may take form even of an interim Award if the Arbitral Tribunal so deems fit, as contemplated also in Article 28 of the ICC Rules and Article 25 of the London Court of International Arbitration Rules, 1998.

In this Article, in view of absence of specific provisions in the Arbitration Act, for enforcing and executing the interim measures of protection, in relation to the domestic arbitration as well as foreign arbitration, Justice D. R. Dhanuka has made valuable suggestions, in the form of remedies, for culminating interim arbitral proceedings into enforceable awards to great extent, so that they do not remain merely on paper.

Justice D.R. Dhanuka in another Article has, in no uncertain terms, criticized the decision of the Hon'ble Supreme Court delivered in the case of N. Radhakrishnan, which is reported in (2010) 1 SCC 72. The opening portion of this Article itself reads thus :

The decision of the Supreme Court of India in N. Radhakrishnan Vs. Maestro Engineers, appears to be erroneous and contrary to the well settled law and other decisions of the Supreme Court.

After dealing with the same in detail, Justice D.R. Dhanuka, has concluded the Article by observing thus :

I respectfully submit that a larger Bench be constituted and the above referred conflict be resolved, by holding that Section 8 of 1996 Act, is mandatory and Arbitral Tribunal has jurisdiction to try all the issues including the issue of fraud or complicated issues of fact and law, etc.

In reaching the afore-quoted conclusion, Justice D.R. Dhanuka, observes in this Article :

Under the 1996 Act, the Arbitral Tribunal has complete jurisdiction to decide all claims and issues whatsoever, if there is an Arbitration Clause and the disputes are covered by it. It makes

no difference that the matter involves complicated questions of law or facts or even issues of fraud.

Thus, even after retirement Justice D.R. Dhanuka continued to enlighten all of us on various aspects of law. In passing away of Justice D.R. Dhanuka, we have lost not only an eminent jurist, but also philanthropist, dedicated teacher, thorough gentleman, and a guide. I am sure the life of Justice D.R. Dhanuka will eternally be an inspiration, for every young persons, intending to embrace our noble profession whole-heartedly.

I join in the sentiments expressed by My Lord Hon'ble the Chief Justice and express my deepest condolences to bereaved family, especially illustrious son of Justice D.R. Dhanuka, My Lord Justice R.D. Dhanuka, who is personally present today with us.

May his soul rest in peace.

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ADDRESS BY DR. UDAY P. WARUNJIKAR, MEMBER, BAR COUNCIL OF MAHARASHTRA & GOA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE JUSTICE D.R. DHANUKA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON NOVEMBER 16, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Family Members of Late Justice Dhanuka,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff,

Ladies and Gentlemen.

At the out-set let me express my difficulty and tender an unconditional apology. I am sure Justice Dhanuka could have appreciated this since he had travelled from Malad to the place of this Full Court Reference. The Mumbai traffic is uncertain. I myself was facing this situation for several days, everybody is facing the same. Mr. Sanjeev Kadam, the President of AAWI is also held up in traffic. Kindly accept my apology.

On behalf of Bar Council of Maharashtra and Goa as well as 2 lakhs lawyers enrolled from the States of Maharashtra and Goa, I fully associate myself with the feeling expressed by Hon'ble Chief Justice and earlier speakers. Since several issues are overlapping, allow me to skip some of the portion.

Justice Dhanuka after passing his LLB from Mumbai University as a student of Government Law College and he was awarded Sir Narayan Chandavarkar Hindu Law Scholarship in token of having received highest marks in Hindu Law. Late Justice Dhanuka was known as one of renowned professors of Hindu Law during his term as a Part-time Lecturer in the Government Law College. One of our Member of Bar Council of Maharashtra and Goa, who was elected in 1988-1990, Shri Vasudev Gangal informed me that Justice Dhanuka was a popular lecturer and students used to eagerly wait for his lectures on Hindu Law. He was his student in the year 1962-1963, the elected Member Shri Vasudev Gangal has informed me.

Justice Dhanuka was practicing before this Court, he was designated as the Senior Advocate earlier speakers have made reference about that. 6 Hon'ble Judges of our High Court were from his chamber, that all information has been shared. Being a representative of Bar Council of Maharashtra and Goa, let me now make a reference his contribution towards the implementation of the Advocates Act in the true letter and spirit. Late Justice Dhanuka was elected as a Member of the Bar Council of Maharashtra and Goa on multiple occasions. He was elected as Vice-Chairman of Bar Council of Maharashtra and Goa between 27.06.1970 to 16.07.1971. Thereafter he was elected as a Chairman of Bar Council of Maharashtra and Goa during the period between 24.12.1977 to 06.01.1979. He was one of the Bar Councilors who took initiative in conducting lecture series for young lawyers in Mumbai. The Hon'ble Chief Justice has made a reference as well as the earlier speakers have made a reference about it. Apart from that with

reference to section 35 of the Advocates Act, 1961, namely the disciplinary cases, late Justice Dhanuka was a Chairman of different such Committees which were dealing with the cases of professional or otherwise misconduct. Prior to the Legal Education Rules, 2008 framed by the Bar Council of India, there used to be a Legal Education Committee and late Justice Dhanuka was the Chairman of that Legal Education Committee at that time also. Justice Dhanuka being a successful lawyer has held the brief for different constitutional functionaries. Earlier three speakers have made a reference to it, allow me to omit that particular portion.

Apart from the professional life, Justice Dhanuka was the director of Yoga Institute, Kaivalyadham, and non-executive chairperson of Bombay Stock Exchange after retirement.

On behalf of Bar Council of Maharashtra and Goa, which represents 2 lakhs lawyers in the States of Maharashtra and Goa as well as on behalf of the Chairman, Vice-Chairman and the elected Members of Bar Council of Maharashtra and Goa, I express our deep condolences to the family members of late Justice D. R. Dhanuka.

God give enough strength to the family members of late Justice D. R. Dhanuka. Let his soul rest in eternal peace.

Om Shanti!!

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ADDRESS BY SHRI NITIN THAKKER, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE JUSTICE D.R. DHANUKA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON NOVEMBER 16, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Ladies and Gentlemen.

We have lost a gentle and pious soul, a fine human being and a great judge last month at a ripe age of 87 years. He was loved by all who came in touch with him.

It is said "Those we love never truly leave us. There are things that death cannot touch."

We need to celebrate the life and time of the great person who excelled in all fields of his life-be it family or academic excellence as a student or as an advocate & as a judge or as a social activist.

I had a privilege of appearing with him, appearing against him, appearing before him as a judge as well as an arbitrator. He was a great teacher - a fair opponent - a hard working Judge.

His achievements in field of law are already referred to by my lord the Chief Justice and other previous speakers.

Justice Dhanuka was very punctual and disciplined about everything he did. His routine had clockwork precision. His day in office would start at 8.45 am though he travelled from Malad. It is folklore that his briefs were accompanied by handwritten notes of arguments where facts were analysed and law authorities that were researched were noted. This work culture he continued even after his elevation. His soul as a lawyer continued even as a judge and in all matters that he took up his hard work was seen in copious notes that he had prepared for each matter.

He accepted any lawyer who approached him as a junior-even though the lawyer was absolutely raw. He would simply say that "you will have to work hard" or would advise him to read High Court Rules and Civil Procedure Code and once in a week he will spent time with that junior in solving the difficulties faced by the junior and explaining him. He would also take *viva-voce* of the junior and only after he was satisfied that the junior has understood and is ready he would be allowed to attend the chambers. That was his perfectionism.

Justice Dhanuka's hard work, industry and perseverance were legendary. Every year on a new diary he would religiously write the words "work is worship"

which he observed meticulously in letter and spirit. His desire to learn, discuss and read law were there till his last days and would put any youngster to shame. About 2/3 years ago Bombay Bar Association had organised a workshop on Arbitration Laws and particularly with regard to latest amendment. I was one of the speakers along with Justice Ramesh Dhanuka. After the workshop Justice Ramesh Dhanuka requested me to share my speech with him as Justice D. R. Dhanuka had requested. I did. That was Saturday. On Monday I received a beautiful letter from Justice D. R. Dhanuka complementing me but also showing that how my interpretation of amendment based on single judge's judgement of our court was not correct. The law was subsequently settled by Supreme Court. That was Justice D.R. Dhanuka's quest for learning and teaching. It would not be wrong to say that his only passion, interest and entertainment were law, law and law.

He after retirement started legal aid clinic at Goregaon which with the help of other lawyers under his guidance continued to provide legal aid to all who came to seek.

Justice D. R. Dhanuka was teacher at heart. He did teach at Government Law College. But as a lawyer and Senior he trained and educated several juniors in chambers and all other juniors who had occasion to assist him in matters learned from him. He pioneered concept of continuing legal education through the aegis of Bar Council of Maharashtra and Goa which is started by Bombay Bar Association when his disciple Dr. Milind Sathe became the president. Justice D. R. Dhanuka had been associated with various educational institutions and charitable organisations.

Justice D.R. Dhanuka lived his life fully and seeing Justice Ramesh Dhanuka performing his duties to his satisfaction in various branches of law gave him greatest pride. He died without any regrets.

A family man living in joint family and who was like umbrella looking after and love and loved by all will surely be missed by his family. I am sure wherever he is his blessings are with the family. Besides family he leaves behind his 34 juniors and associates of which at least 6 have adorned the bench of our High Court. The juniors will surely miss their masterji.

I for myself and on behalf of Bombay Bar Association fully associate with the sentiments expressed by the learned Chief Justice and other speakers for the great judge and our former member.

In the end in celebration of his life, I quote -

“The way you could light up everyone’s soul was so beautiful. Today we have nothing but your memories with us. We are going to cherish them for the rest of our lives. Sleep well.”

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ADDRESS BY SHRI KULDEEP PATIL, SECRETARY, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE JUSTICE D.R. DHANUKA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON NOVEMBER 16, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

Hon'ble the Chief Justice

Hon'ble Judges of this Court,

Shri Anil Singh,
Additional Solicitor General of India,

Shri Ashutosh A. Kumbhakoni,
Advocate General of Maharashtra,

Dr. Uday P. Warunjikar,
Member, Bar Council of Maharashtra & Goa,

Shri Nitin Thakker,
President, Bombay Bar Association,

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

Family Members of Late Justice Dhanuka,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff,

Ladies and Gentlemen.

At the out-set My Lord may permit me to address on behalf of the Advocates' Association of Western India as the President Mr. Sanjeev Kadam is held-up in traffic jam. With your Lordship's permission, May I address.

Today, we have assembled here to condone the demise of Hon'ble Shri Justice D.R. Dhanuka, who was Judge of the Bombay High Court. Justice Dhanuka enrolled as an advocate with the High Court of Bombay on 18.12.1956. He

started his practice from Bombay City Civil Court and the Bombay High Court. He was enrolled as an advocate in the Hon'ble Supreme Court of India in 1959. He was designated as a Senior Advocate in 1979. He was appointed as an Additional Judge of the Bombay High Court on 30.07.1990 and became permanent Judge from 10.12.1990. He retired on 21.03.1996. After retirement, he was actively involved in various legal activities. Six junior advocates from his chamber became Judges of High Court of Bombay, viz. Justice J. P. Devadhar, Justice S.U. Kamdar, Justice Jhunjhunwala, Justice Sondurbaldota and Justice K.K. Tated including his son Justice R.D. Dhanuka. He was elected as a Member and thereafter as Vice-Chairman of the Bar Council of Maharashtra and Goa from 17.06.1970 to 16.07.1971. Thereafter, he was elected as the Chairman of Bar Council of Maharashtra and Goa from 14.12.1977 to 06.01.1979. He was one of the Bar Councilors who took initiative for conducting lecture series in Bombay for young lawyers. He also appeared for Prime Ministers, right from Morarji Desai to Charan Singh, Indira Gandhi and Rajiv Gandhi as a counsel. During the Emergency and Post Emergency period, Justice Dhanuka had appeared on behalf of State and successfully defended various decisions which were taken by the then Government.

Late Justice Dhanuka was the Director of Yoga Institute, Kaivalyadham, and Non-executive Chairperson of the Bombay Stock Exchange after retirement.

He left for heavenly abode on 02.10.2021. On account of his demise, we have lost a good Judge and perhaps a great human being.

I completely concur with the views put-forth by my earlier speakers.

On my behalf and on behalf of the Advocates' Association of Western India, I express and place on record a deep sense of gratitude for His Lordship's contribution to the society and extend my deepest condolences 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.

ADDRESS BY SHRI KAIWAN KALYANIWALA, PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE JUSTICE D.R. DHANUKA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON NOVEMBER 16, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

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Shri Nitin Thakker,
President, Bombay Bar Association,

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

Family Members of Late Justice Dhanuka,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff,

Ladies and Gentlemen.

In our profession, it is not so common to find an individual who has been both a great lawyer and a great judge. One such man was Deokinandan Ramlal Dhanuka, affectionately known as Dhanukaji. He was truly an outstanding Counsel who fought some of the most important cases of his time; and then, effortlessly moved to the Bench as a Judge of this Court and pronounced seminal judgments and laid down the law on several occasions. We have on 2nd October

2021, lost one of the finest legal minds to have walked the corridors of our Court.

Justice Dhanuka was proficient in general civil matters, tax laws, labour matters and corporate law. Very seldom will you see one with such a mastery of a wide spectrum of laws. As Senior Counsel, he represented both the Central Government and the State of Maharashtra.

Justice Dhanuka had a mild and most respectful demeanor. Always polite and sincere; he remained unruffled at the most difficult of times. As a judge, he was polite but firm and did not tolerate lack of discipline in his Court. A wonderful quality of his personality was that both as a lawyer and as a judge, Justice Dhanuka was most generous in sharing his knowledge and experience with junior and senior colleagues, and at the same time being open to accepting different views and opinions.

Justice Dhanuka had several interests and passions – the most prominent and appealing of which was his keen interest to serve society at large. Though he remained a much sought-after Senior Counsel, Dhanukaji ensured that he paid as much attention to the cause of free legal aid and justice (both as an Advocate and as a Judge) and upon his retirement to public service.

I would do injustice to him if I made mention of the plethora of cases he argued as a Counsel and decided as a Judge. However, Justice Dhanuka's Judgment of 1992 in *Ramniklal Kotak versus Varsha Builders* (in which the Society was called upon as *amicus*) laid down the protocol on issue of title certificates by lawyers. To this day, lawyers refer to this judgment in their day-to-day practice.

After his retirement in 1996, Justice Dhanuka continued serving the profession as an Arbitrator. Once again, it was a pleasure appearing before him. Justice Dhanuka never shied away from giving a dissenting award.

For most of us Solicitors, who had the privilege of briefing him in Bombay, we were silently disappointed to have lost a senior colleague to the Bench. However, this disappointment was short-lived since Dhanukaji, now as Justice Dhanuka, proved to be as much a force as a judge as he was a lawyer. Both as a lawyer and as a judge, Justice Dhanuka was extremely well-prepared. He never gave the impression that he fell short of his brief. This quality endeared him to all Judges and Advocates. Frankly, he made the task of a lawyer appearing before him much easier since he was on top of every matter he heard.

All that my Lord and my colleagues at the Bar have said will never be enough. Such a man comes once in a generation. For those of us who were privileged to be a part of his brilliant career, let us not mourn his death but cherish his life.

On behalf of the Bombay Incorporated Law Society, I offer my heartfelt condolences to Justice Ramesh Dhanuka and to the members of his family and the large group of judges, colleagues and friends he leaves behind.

May the departed soul rest in peace.

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