

ADDRESS BY HON'BLE SHRI SWATANTER KUMAR CHIEF JUSTICE HIGH COURT OF JUDICATURE AT BOMBAY. AT THE FIRST COURT REFERENCE TO LATE SHRI CHINTAMAN TUKARAM DIGHE. FORMER JUDGE OF THE BOMBAY HIGH COURT HELD ON WEDNESDAY. 10<sup>th</sup> JUNE 2009.

My esteemed colleague, Mr. Raghuwanshi, Additional Soiicitor General, Mr. Rajiv Patil, Chairman, Bar Council of Maharashtra & Goa, Mr. Rohit Kapadia, President of Bombay Bar Association, Mr. Mundargi, President of Advocates'Association of Western India, Mr. Jani, Vice-President of Bombay Incorporated Law Society, members of bereaved family, learned Members of the Bar, distinguished Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of late Shri Chintaman Tukaram Dighe, former Judge of the Bombay High Court, who left for his heavenly abode on Wednesday 6<sup>th</sup> May, 2009, at the age of 93 years.

The life sketch of Justice Dighe was spread over a long period of more than thirty years. It was a unique example of a Judicial Officer who started his judicial career in moffusil court in 1947 rose to occupy the august office of Judge of the Bombay High Court in 1974.

Born on 6<sup>th</sup> December, 1916, after early education in New English School, Thana, Justice Dighe took college education in S1. Xavier's College, Bombay and the Government Law College, Bombay. He was enrolled as Advocate on 28<sup>th</sup> August, 1940 and was given Sanad for Thana and Bombay Suburban District on the Appellate Side of the Bombay High Court. After practicing on civil, criminal and orignal sides for seven years, Justice Dighe joined the Judicial Service as Civil Judge on 20<sup>th</sup> February, 1947. In recognition of his work as Assistant, District Judge and Judge of the City Civil and Sessions Court during the period from 1947 to 1974, Justice Dighe was elevated to the

Bench of the Bombay High Court on 17<sup>th</sup> October 1974. as Additional Judge and as Permanent Judge on 1<sup>st</sup> September, 1976.

As a Judge of the Bombay High Court for a period of four years, Justice Dighe rendered number of judgments. He was known for his simple, lucid language and rich thinking in the judicial pronouncements. He was workaholic and voracious reader as reflected in the orders and the judgments. Some of his reported judgments under the Maharashtra Agricultural Debtors Relief Act in AIR 1976 Bom 75, Industrial Disputes Act reported in 1976 (78) Bom LR 458. Transfer of Property Act reported in AIR 1978 Bom 398 Hyderabad Rent Act reported in AIR 1976 Bom 443 and Essential Commodities Act reported in 1976 Criminal Law Journal 1792, need specific mention.

In the passing away of Justice Dighe, we have lost a "friend and a human being". Justice Dighe left behind him his wife and daughter. In this hour of grief, on behalf of my colleagues, myself, High Court Registry and all of you assembled here, I convey our heartfelt condolences to the members of the bereaved family. May Almighty give them strength to bear the great loss.

May the departed soul rest in eternal peace:

Address by Shri R.B. Raghuwanshi, Additional Solicitor General of India, at the First Court Reference to late Shri C.T. Dighe, former Judge of the Bombay High Court, held on 10<sup>th</sup> June, 2009.

The Hon'ble Chief Justice, the Hon'ble Judges, Shri Rajiv Patil, Chairman, Bar Council of Maharashtra & Goa, Shri Rohit Kapadia from Bombay Bar Association, Shri Ashok Mundargi from the Advocates' Association of Western India, Shri Jani from Bombay Incorporated Law Society of India, Dighe family, Members of the Bar, Ladies & Gentlemen,

We have gathered here today to mourn the sad demise of Justice C.T. Dighe, Retd. Judge of this Hon'ble Court who breathed his last on 06<sup>th</sup> May, 2009.

Justice C.T. Dighe was born on 06<sup>th</sup> December 1916 and completed his education at St. Xaviers College, Bombay. After completing his Law Degree from Government Law College, he practiced at Thane and Mumbai Suburban District in the District Courts. As a lawyer, he conducted Civil, Criminal, Original and Appellate Side work both at District Courts and the High Court.

Justice C.T. Dighe was appointed as a Civil Judge on 20<sup>th</sup> February, 1947. He served as an Assistant Judge from 1960 onwards and was finally promoted as a District Judge in 1962. He was appointed as permanent judge of this Hon'ble Court on 1<sup>st</sup> September 1976 and retired on 6<sup>th</sup> December 1978.

Justice C.T. Dighe made a sound and a competent Judge and had a good grasp of facts and knowledge of law. As a judge he was soft-spoken, humane but at the same time firm.

It is unfortunate that we have lost such a tall legal personality from amongst us. I pray to the almighty to give strength to his family members to bear the loss with strength and dignity. May his soul rest in peace!

Address by Shri Raiiv Patil, Chairman, Bar Council of Maharashtra and Goa, at the First Court Reference to late Shri C.T. Dighe, former Judge of the Bombay High Court, held on 10<sup>th</sup> June, 2009.

Hon'ble the Chief Justice Mr. Swatanter Kumar, Hon'ble Justice Mr. Satyaranjan Dharmadhikari, Hon'ble Additional Solicitor General Mr. Rajendra Raghuvanshi, Hon'ble President of Bombay Bar Association Mr. Rohit Kapadia, Hon'ble President of A.A.W.I Mr. Ashok Mundargi, Hon'ble Vice President of Incorporated Law Society Mr. Jani, Members of Dighe Family, Members of the Bar, Ladies and Gentlemen,

Mr. Chintaman Tukaram Dighe, a renowned personality in the Judicial field passed away on 6<sup>th</sup> May, 2009 at the age of 93.

Born on 6.12.1916, Mr. Justice Dighe had his school education in Thane near Mumbai. He completed his graduation in Law from Government Law College, Mumbai and he joined the legal profession on 28.8.1940 after completing his Masters' Degree in Hindu Law.

Within a short span of 7 years of professional career, he was selected as Civil Judge, Junior Division in the year 1947. In August, 1960 he was promoted as Assistant Judge and within a period of two years, he was appointed as District Judge. In December 1967, Justice Dighe was transferred to Bombay City Civil & Sessions Court and he was elevated to Bombay High Court on 17<sup>th</sup> October, 1974.

Some Judicial Officers mark their imprint in the legal history. Mr. Justice Dighe was one of them. While he was Sessions Judge at Mumbai, he conducted a very important Criminal trial, which is popularly known as Raman Raghav @ Dalvai Sindhi Trial. The accused had rocked the city of Mumbai by committing 42 horrendous murders and his defence was of Paranoid Schizophrenia. As a learned Sessions Judge, Justice Dighe scrutinized each

and every piece of evidence and rejected the defence plea. He convicted the accused and sentenced him to death penalty. It is matter of history of this High Court that while conducting the confirmation case, this Court came to conclusion that accused is unable to understand the proceedings of confirmation case and therefore directed the accused to the custody till he is cured from illness. After 17 years in custody and getting cured from illness the accused was brought back to this Court and case was heard. This Honourable High Court upheld the verdict of Justice Dighe and sentenced the accused to life imprisonment.

Justice Dighe also worked as Commission of Inquiry in the matter of police firing of K.T. Steel, Ambarnath, Dist. Thane and his report was accepted by the Government especially in reference to precautions to be taken by police personnel before order of firing. Justice Dighe also was on the penal of the Arbitrators of this High Court after his retirement.

Justice Dighe was also a Faculty of University of Bombay for Masters Degree of Law on the subject of Property Law.

By his death, we have suffered a major loss to the legal fraternity. On behalf of Bar Council of Maharashtra and Goa, I pray that may his Soul Rest in Peace.

Address by Mr. Rohit Kapadia, President of the Bombay Bar Association at the First Court Reference to late Shri C.T. Dighe, former Judge of the Bombay High Court, held on 10<sup>th</sup> June, 2009

My Lord the Hon'ble Chief Justice, the Hon'ble Mr. Justice Dharmadhikari, my friends on this side of the dais, fellow advocates, ladies and gentlemen.

Almost all speakers before me have spoken of the distinguished career of Mr. Justice Dighe. I propose to share with you a few insights ....

Mr. Justice Dighe was known for his kindness, courtesy and above all his compassion. Some of us were fortunate to have appeared before him. I personally had appeared before him while he was at the City Civil Court. Later, while he was in the High Court I do recall an incident when I appeared before him during the vacation on behalf of a person who was sentenced to two months' imprisonment for committing contempt of Court. The Appellate Court had rejected stay of the sentence. However, I made an application at his residence during the vacation for postponing the execution of the sentence for a period of four days to enable my client to spend Diwali with his family, the learned Judge had first refused to hear us. The reason was that he was unwell and he was lying in the bed running a very high temperature. Myself and Mr. Vahanvati on the other side insisted that the matter should be heard. He heard us whilst he was covered with a blanket and sleeping on the bed. Two of us addressed him when he was still sleeping at the bed and he told Mr. Vahanvati on the other side " I am not staying the sentence. I am merely postponing its execution for a period of few days". The learned Judge allowed my client to spend the Diwali holidays with his family. Such was the man.

He also had a good sense of humour. Unfortunately we had him only for a short period of time in the High Court. Even during the short period of time, as Mr. Patil has told us, he left his imprint on the High Court. Time has gone by, we have almost forgotten him but I believe and sincerely pray that there are

more like him with a sense of kindness and compassion.

I would like to extend my heart-felt sympathies on behalf of the members of the Bar to the members of the bereaved family. May his soul rest in peace.

Bombay High Court. held on 10<sup>th</sup> June. 2009

Hon'ble Chief Justice Mr. Justice Swatanter Kumar and Mr. Justice Dharmadhikari, Mr. Rajendra Raghuvanshi, Additional Solicitor General of India, Mr. Rohit Kapadia, President, Bombay Bar Association, Mr. Rajiv Patil, Chairman, Bar Council of Maharashtra and Goa, Mr. Zaiwala, President, Incorporated Law Society, members of the family of late Mr. Justice C.T.Dighe, my colleagues at the Bar, ladies and gentlemen.

We meet here today to mourn the passing of late Mr. Justice C.T. Dighe, the then Hon'ble Judge of this High Court, who breached his last on 6<sup>th</sup> May, 2009, at Mumbai.

Mr. Justice Dighe was born on 6<sup>th</sup> December, 1916. He obtained his Bachelor of Laws degree from the Bombay University. Thereafter, he completed his LLM in "Hindu Law". He was enrolled as an advocate on 28<sup>th</sup> August, 1940. Thereon he joined the Chambers of Mr. Madhavrao Hegde and pursued his practice at the Thane District Court and Courts subordinate to it.

He was appointed as a Civil Judge in February, 1947. He was thereafter promoted as a District and Sessions Judge in the year 1962. After working as a District Judge for 5 years in various places in Maharashtra like Nasik and Sangli, he was appointed as the City Civil & Additional Sessions

Judge in Mumbai in December, 1967. On 17<sup>th</sup> October, 1974, he was elevated as  
**the Judge of this Hon'ble Court.**

**In his short but illustrious career as a High Court Judge he decided many complicated cases. The most famous or infamous case which he decided was the case of one "Raman Raghavan" who was accused of having committed 42 murders.**

**Late Justice Dighe was very thorough with his law. He was kind hearted and always tried to encourage juniors in his Court. Justice Dighe used to be polite, warm, as also generous and kind. It was a pleasure to argue the cases, especially criminal cases, in his Court. Amongst many qualities, one quality which earned him a lot of respect from the Bar, was his patience. I have never seen him angry towards the members of the Bar.**

**After his retirement in December, 1978 he kept himself busy with a lot of legal activity. Justice Dighe passed away at the ripe old age of 93 years. In his death we have lost a Judge who was always encouraging the youngsters, never had a bad word for anyone and treated everyone with respect in his Court.**

**Mr. Justice Dighe is survived by his wife, son and 3 daughters. May I, on behalf of the Advocates Association of Western India, express my heartfelt condolences to the family members of late Mr. Justice Dighe and pray to the God to let the departed soul rest in eternal peace.**

Address by Mr. Priyahas A. Jani, Vice President, Bombay Incorporated Law Society, at the first Court Reference to late Shri C.T. Dighe, former Judge of the Bombay High Court, held on 10<sup>th</sup> June, 2009-

My Lord the Hon'ble the Chief Justice and My Lord Mr. Justice S.C. Dharmadhikari, Additional Solicitor General, Western Region Mr. Rajendra Raghuvanshi, Mr. Rajiv Patil, Chairman, Bar Council of Maharashtra and Goa, Mr. Rohit Kapadia, President, Bombay Bar Association and Mr. Ashok Mundargi, President, Western India Advocates Association.

It is with sorrow that , on behalf of the members of the Bombay Incorporated Law Society associate myself with the sentiments which have been expressed here.

Born on 6<sup>th</sup> December, 1916, on 28<sup>th</sup> August, 1940 Mr. Justice Chintamani Tukaram Dighe received Sanad for practice in law in Thane and Bombay Suburban District on the Appellate Side of this Hon'ble Court. With his expertise exposed in several civil and criminal law matters in which he appeared before the Courts on 20<sup>th</sup> February, '1947. Justice Dighe was appointed as a Civil Judge. Once having entered judiciary, Justice Dighe did not look back. He was then elevated as Assistant Judge, then as District Judge and then in December, 1967 he came to be appointed as a Judge of the City Civil and Sessions Court.

On 17<sup>th</sup> October, 1974 he was appointed as Additional Judge of this Hon'ble Court. On 1<sup>st</sup> September, 1976 he was appointed as a Judge of this Hon'ble Court.

On 6<sup>th</sup> December, 1978. after being with the judiciary for almost a period of 31 years Justice Dighe retired. When Justice Dighe had retired I had not even started my education in law. However, I have come to know Justice Dighe through several of his judgments which are reported in AIR Bombay and Maharashtra Law Journal. The clarity with which Justice Dighe wrote

judgments has helped the Bench, the Bar and most important the litigants.

In Pyaresaheb Guizar Chottumiya Sawazi Justice Dighe did not hesitate sitting in a Division Bench to hold that the Petitioner though secured highest votes in election to Nagpur Municipality by reason of the Petitioner having continued with the possession of the property after expiry of the licence from the Corporation he was disqualified,

In Govindrao Atmaramji Varjekar and another when there was a challenge to the Maharashtra Debt Relief Act, 1976 by two money lenders doing independent business under independent licences but filing a joint petition, Justice Dighe sitting in a Bench instead of dismissing the Petition directed it to be treated as comprising of two Petitions joined in one.

In Shantabai Prabhakar Kothale Justice Dighe did not allow the husband to take advantage of his own wrong in a Divorce Petition seeking divorce from a wife who had obtained decree for restitution of conjugal rights.

In Krishna Madhaorao Ghatate and another, Justice Dighe did not hesitate to concur with the view that detention order cannot be challenged on any grounds whatsoever is not sustainable.

I respectfully join my Lords and my colleagues in the prayer that the soul of Shri Chintamani Tukaram Dighe may rest in eternal peace and his abiding memories may live for long. I extend on behalf of the Bombay Incorporated Law Society condolences to the members of his family.

May the soul of Shri Chintaman TIJkaramDighe rest in eternal peace.