

REFERENCE BY HON'BLE SHRI CHITTATOSH MOOKERJEE, CHIEF JUSTICE, TO THE LATE SHRI V.H. GUMASTE, SENIOR ADVOCATE, BOMBAY HIGH COURT, ON 1ST AUGUST 1988.

“Mr. Bobde, Advocate-General, Mr. Barday, Government Pleader, Mr. Cooper, President, Bombay Bar Association, Mr. Dudhat, President, Western India Advocates' Association, Mr. Damodar, President Incorporated Law Society and other Members of the Bar;

My learned colleagues and myself are grieved to learn that Mr. V.H.Gumaste, a senior and respected Advocate of this Court, has passed away.

On July 5, 1916 Mr. Gumaste was born in Dhannur Village of Bijapur District. His mother tongue was Kanarese. His father was also well-known Advocate of the High Court. In April 1937 late Mr. Gumaste passed B.Sc. Examination of Bombay University. He read in Poona Law College and after passing LL.B. Examination in the year 1939, he was enrolled as an Advocate on August 31, 1939. He had soon made his mark in the legal profession. He had also served as a teacher in Ruparel Law College between the year 1951-1955. In the year 1956 he was appointed as an Assistant Government Pleader. Thereafter he was made the Additional Government Pleader. In the year 1966 he became the Government Pleader of High Court. For almost ten years he held the said office with great distinction. Even after his term as the Government Pleader expired in 1976. Mr. Gumaste used to be often engaged as the Senior Counsel for the State Government and the Central Government in important cases. He was also engaged in extensive and lucrative practice. He was one of the ablest advocates having equal dexterity as a civil and as a criminal lawyer. In fact he possessed all the qualities of a good advocate and represented the best traditions of the Bar. Both the Bench and the Bar had great confidence in late Mr. Gumaste. His death is a distinct loss to the legal profession and his void would be difficult to fill.

We would ever gratefully remember his gift of law books collected by four generations of his family to Kirtikar Law Library. I am glad to learn that Mr. Gumaste's family proposes to make over the rest of his law books to Kirtikar Law Library.

We mourn the death of Mr. Gumaste. May his soul rest in peace! We convey our heart-felt sympathies and sincere condolences to his family”.

Speech by Shri. A.S. Bobde, Advocate General,

“My lord the Chief Justice and Mr. Justice Bharucha.

In the succession of tragic events that have afflicted our Bar in recent times, the death of Mr. Gumaste is our latest loss. He appeared to be better these days and only the other day he said that his health was improving. Nor was he. My Lord, if I may be permitted to say of an age when the anticipation of end could be almost certain. But it is not given to us to disentangle the scheme of Almighty and we must bow to His wish.

Mr. Gumaste had a distinguished career in College and also at the Bar. He was a learned man. Particularly his mastery over criminal and civil law was remarkable. He was a portrait of courtesy. In the corridors of the High Court he made a point to wait and wish whoever he met. Of late, law was his only interest and he was willing to discuss with any one of us any question or difficulty posed to him. My Lord, as My Lord the Chief Justice had already noticed, he retired with distinction in 1976 from Government Pleader’s office. By that time, he had appeared in number of celebrated cases and helped to shape the law.

It is a sad occasion, My Lord, and I wish to convey to his family our heartfelt condolences and also convey condolences on behalf of the Bar Council”.

Speech by Shri. J.A. Barday, Government Pleader.

“My Lord the Chief Justice and Justice Bharucha.

I fully associate myself with the sentiments expressed by Your Lordship and the Advocate-General on this sad occasion.

It was with a great shock that I learnt that of passing away of Mr. Vyankatesh Hanumantrao Gumaste on July 23, 1988. He appeared in the High Court till Friday i.e. one day prior to his said demise.

Mr. Gumaste was born in Dhannur Village, Bijapur District on July 5, 1916. He mother-tongue was Kanarese. He joined Wilson High School and passed his matriculation examination in the year 1933 and later on he joined Wilson Collge and passed his B.Sc. examination of Bombay University in April 1937 and passed his LL.B. examination from Pune Law College in 1939. He commenced his practice in this Hon’ble Court from August 31, 1939.

Mr. Gumaste was appointed Honorary Assistant Government Pleader on August 20, 1941 and took charge of the said office on August 21, 1941. He ceased to be Honorary Assistant Government Pleader on August 20, 1944. However, he was appointed as Assistant Government Pleader in the year 1956 and then he was appointed as Additional Government Pleader in the year 1965. He was appointed as Government Pleader in the year 1966 and he retired in the year 1976. He held the office with great distinction. He had appeared in a number of important cases such as Comrade Krishna Desai murder case, Salve murder case and Walcot Detention case. During the emergency he used to appear for the State in detention matters. He was well versed in detention matters and, therefore, even after his retirement as a Government Pleader, the State of Maharashtra appointed him as Special Counsel in detention matters.

After his retirement as Government Pleader, he appeared in number of private matters as a Senior Counsel. He was very popular with junior members of the Bar.

I worked as Assistant Government Pleader from 1970 to 1976 during his tenure as Government Pleader. He always used to lend guidance and assistance in working out the briefs. He never gave me chance to complain regarding distribution of briefs. Mr Gumaste was a very simple humble person modest and completely devoid of any conceit or arrogance. In short, he was a lovable man. He was distinguished lawyer who took pains to work out his briefs. His zeal to work was tremendous and till the end of his life, he served this noble profession. In his passing away, the Bar has lost an eminent lawyer and the Bar will be poorer by his absence. However, death lays its icy hands on all the mortals.

In the end. I extend my heart-felt condolences to the members of bereaved family and pray Almighty that his soul may rest in peace!”

Speech by Shri. K.S. Cooper, President, Bombay Bar Association

“My Lord the Chief Justice, My Lord Justice Bharucha and my colleagues.

On behalf of the Bombay Bar Association, I associate myself with all the tributes paid, so well deserved, and the sentiments expressed by My Lord the Chief Justice, by the learned Advocate-General and by the learned Government Pleader. Although, I never had the opportunity of either appearing against or with the late Mr. Gumaste, I had heard him argue cases on numerous occasions in Courts whilst I was waiting. He was always completely prepared both with the facts and the applicable law and his presentation was invariably lucid and forceful. In a word, he was formidable advocate and in his capacity as Assistant Government Pleader, as Additional Government Pleader and as Government Pleader for 21 long years he did yeoman service for the State for which he appeared. He was always the soul of courtesy, whether it be to the junior member of the Bar, to the Bench or to his opponents. He never took advantage of the lack of experience of any junior appearing against him. On the contrary his advice and guidance was always available to any junior who approached him and asked for his advice. His presentation in Court, though always forceful and analytical, was never vituperative. The Bar has lost an able and respected leader in the death of Mr. Gumaste. Our hearts go out to the members of his family in their sad bereavement. May his soul rest in everlasting peace!”.

Speech by Shri. M.L. Dudhat, President, Western India Advocates' Association

‘On behalf of the Western India Advocates’ Association, I adopt the feelings and sentiments expressed by My Lord the Chief Justice of this Hon’ble High Court and other speakers. Mr. Gumaste was connected with this High Court and our Association for about 50 years. For a long time he worked in different capacities as a Government Pleader wherein he retired in the year 1976 and thereafter he was senior Counsel for Government of Maharashtra. In practice he was known for his hard work, persuasiveness and effective arguments. He contributed in the amendment of 1973 Criminal Procedure Code wherein his name is also referred to in the report. Mr. Gumaste was practicing in spite of the fact that he had a heart attack one year back, but his attachment to the profession was so great that he, in spite of that, took the risk and was practicing with the full zeal till the last date, i.e. 22nd of last month. Mr. Gumaste had a very big library which he donated to Kirtikar Library on the Appellate Side. In Mr. Gumaste we lost a great stalwart from the Appellate Side. May his soul rest in peace!’ .

Speech by Shri. D.D. Damodar, President, Incorporated Law Society.

“My Lord the Chief Justice and Mr. Justice Bharucha.

On behalf of the Law Society, I associate myself with a sentiments expressed by My Lord the Chief Justice and by colleagues at the Bar on the sad occasion of the death of Mr. Gumaste. Mr. Gumaste was a sound able keen and a painstaking lawyer. He made his best efforts in every case in which he appeared. As a Government Pleader he gave selfless service both to the State as well as to the Court. His philanthropic nature is amply shown by his donation of large four-generation library of books to Kirtikar Library. In the death of Mr. Gumaste we have lost an able and senior lawyer. Our hearts go out to his family and we offer sincere condolences to the members of his family. May his soul rest in peace?”