

**ADDRESS OF THE HON'BLE SHRI JUSTICE DIPANKAR DATTA, THE CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL COURT REFERENCE IN MEMORY OF LATE SHRI HOSBET SURESH, FORMER JUDGE OF THE BOMBAY HIGH COURT ON TUESDAY, APRIL 27, 2021 AT 10.30 A.M. IN ROOM NO.46, CENTRAL COURT HALL, HIGH COURT, MAIN BUILDING, THROUGH WEBEX/PHYSICAL.**

**My esteemed sisters and brother Judges**

**Shri Anil Singh, Additional Solicitor General of India,**

**Shri Rajiv Chavan, Senior Advocate,**

**on behalf of Advocate General of Maharashtra.**

**Shri Sudeep Pasbola, Vice Chairman,**

**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 bereaved family**

**Learned Senior Advocates,**

**Members of the Bar, Members of the Registry and the Staff.**

**Ladies and Gentlemen,**

Today, we have assembled this morning to pay our respectful homage to Justice Hosbet Suresh, distinguished former Judge of the Bombay High Court, who breathed his last on June 11, 2020 at the ripe old age of 91.

Justice Suresh was born on July 20, 1929 in Hosabettu, Surathkal, Karnataka. He obtained Master's Degree in Arts as

well as in law. In November 1953, he enrolled as an advocate and started practice. He was also a part-time teacher at Government Law College and KC Law College.

Between 1968 and 1980, Justice Suresh was Judge of the Bombay City Civil Court. However, on June 23, 1980, Justice Suresh resigned and resumed practice as an advocate at the Bombay High Court. In 1982, he was designated Senior Advocate by the High Court.

On November 21, 1986, Justice Suresh was appointed as an Additional Judge of the Bombay High Court. On June 12, 1987, he was appointed as permanent Judge of the Bombay High Court. Justice Suresh demitted office on July 19, 1991.

Justice Suresh had set new standards for human rights jurisprudence in the country with his unwavering commitment to justice for all. The distinguished former judge of the Bombay High Court was best known for being part of several key Public Commissions and Tribunals post retirement, investigating some of the most heinous human rights violations.

The glorious chapters of Justice Suresh's life at the Bar and the Bench unfortunately, came to an end in June last. In his death, we have lost a dedicated lawyer, distinguished Judge and a wonderful human being of multi-faceted qualities. His contribution to the administration of justice will be remembered forever. His memory is carved out in the hearts of those who knew Justice Suresh. Justice Suresh continued to be a true defender of the human rights movement in India for 28 years after retirement and he will always be remembered as one of the brightest lights of the legal fraternity.

Justice Suresh having died a nonagenarian, I am sure, he must have led a life that is meaningful as well as fulfilment and he left this material world without any regret.

I am told, even after retirement, Justice Suresh travelled length and breadth of the country in response to any call for help and assistance.

Justice Suresh has left behind him three daughters and one son as well as several grandchildren.

On behalf of my esteemed colleagues as well as on my personal behalf, I extend sincerest condolences to the members of the bereaved family and pay our homage that His Lordship's noble soul attains "Sadgati".

Om Shanti ! Om Shanti !!

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**ADDRESS BY MR. ANIL SINGH, ADDITIONAL SOLICITOR GENERAL :-**

The Hon'ble Chief Justice, Hon'ble Judges of this Court, Shri.Rajiv Chavan, Senior Advocate, on behalf of the Advocate General of Maharashtra, Shri. Sudeep Pasbola, Vice-Chairman of the Bar Council of Maharashtra and Goa, the President of Bombay Bar Association Shri.Nitin Thakkar, Secretary of Advocates' Association of Western India Shri. Kuldeep Patil, the President of the Bombay Incorporated Law Society Shri Kalyaniwalla, family members of late Justice Hosbet Suresh and the members of the Bar, Ladies and Gentlemen.

I share the sentiments expressed by the Hon'ble Chief Justice. The passing away of Justice Hosbet Suresh is a loss to the legal profession and to the society in general.

Known as brilliant, frank, outspoken, independent and a clear-headed Judge, Justice Suresh was a great human being and a great jurist. He was popularly known as a champion of human rights. His contribution in the field of law and its development has been immense from both the sides i.e., the Bar and the Bench. As mentioned by the Hon'ble Chief Justice, Justice Suresh started his practice in Bombay High Court. He was also a part-time professor in Government Law College and thereafter in K.C. Law College. He was also an Assistant Government Pleader for few years. Initially, he was offered judgeship in Small Causes Court at Bombay, which he declined. Thereafter, he was appointed as a Judge of the City Civil Court and Sessions Court at Bombay, from where he resigned in the year 1989 and resumed his practice and I remember, while he was practicing in the Bombay High Court, in

1982, he was designated as Senior Advocate. His arguments were precise, knowledgeable and extremely clear. His loud and clear voice would echo in the corridors of this ancient building. His command over the case laws was admirable and he also had a sharp memory. He appeared pro bono in matters involving serious public issues. Justice Suresh delivered various judgments on different matters and complex issues.

His journey both, as an advocate and as a Judge, is adorned by several judgments which show his invaluable contribution in development of law. In the case of Ramdularidevi Dubey vs. Ramtej Mishra, reported in 1989 Mah. L.J. 930, Justice Suresh clarified the power of a Court to restore possession to a party who had been dispossessed by an injunction obtained fraudulently. He clarified that the Courts would not be held helpless in such situations and would be entitled to remedy the wrong. Another judgment that comes to mind, though I do not remember the particulars, was a case where he clarified that in respect of actions seeking performance of obligations under the MOFA, the Court fees payable would not be valued as per value of the property but the same would be payable on the basis that such an action sought enforcement of a statutory obligation.

He had deep knowledge of civil, criminal and constitutional laws. He handled various complex matters.

We may remember Mr.Suresh, as the flag bearer of human rights movement in the country carrying on in the footsteps of his mentor Late Shri V.R. Krishna Iyer.

Even after his retirement, he was doing a lot of arbitration work. He was involved in various social activities. He visited

around the country and remotest corner of India as well as Asia for the poor and downtrodden.

His death is a great loss not only to the legal fraternity but also to the whole country and to our State particularly.

Justice Suresh will always be remembered by the members of the legal fraternity and the common man of this country.

I express my deepest condolences to the departed soul.

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**ADDRESS BY MR. RAJIV CHAVAN, SENIOR ADVOCATE ON BEHALF OF ADVOCATE GENERAL OF MAHARASHTRA :-**

My Lord the Hon'ble Chief Justice, Hon'ble Judges, Hon'ble distinguished speakers, ladies and gentlemen.

I am here today to pay homage to Justice Hosbet Suresh while condoling his death on behalf of learned Advocate General of Maharashtra, who is in personal difficulty.

Justice Suresh was designated as a Senior Advocate in 1982 and later took oath as an Additional Judge of the Bombay High Court on November 21, 1986 from where he retired on July 19, 1991. Justice Suresh would be remembered for his wise judgments including the landmark judgment in the case of Subhash Desai Vs. Sharad Rao, in which election of the Maharashtra Legislative Assembly was set aside on the ground that the member had misused religion and indulged in religious propaganda to manipulate mass sentiments in a bit to garner votes. We would remember Justice Suresh as a flag bearer of the human rights movement in the country, carrying on in the footsteps of his great mentor Justice V.R.KrishnaIyer.

In later years and after his retirement, Justice Suresh was responded to the cause of various social action groups and travelled to the remotest corners of the country and other parts of Asia. Justice Suresh either participated or headed several investigations into cases. Some amongst them were the riots following the Cauvery Water in Bangalore, the Mumbai riots following the demolition of Babri Masjid, evictions of slum dwellers by the civic authorities in Mumbai, harmful effects of prawn farming on the Eastern Coasts that led the Supreme Court to

order a ban on prawn cultivation. He was also a part of commission that investigated the drowning of Dalits by the Tamil Nadu Police, the shooting of tribal in Devas in Madhya Pradesh, food scarcity in the Military Janta Road, Myanmar and inquiry into 2002 Gujarat riots.

My conscience is my voice and my voice is my conscience, Justice Suresh would always say to explain how Judges must clearly dictate verdicts in open court. I am a retired Judge but not a tired one was always his spiritual response to anyone who reminded him of his retirement. He used to say judicial integrity is not just a private virtue but a public necessity. My friend Mihir Desai, Senior Advocate, who had a long association with Justice Suresh spoke about his first experience as a young lawyer when he encountered Justice Suresh in a slum demolition matter. He recalled how his rehearse arguments were cut short by Justice Suresh, who granted stay on the demolitions. Advocate Desai recalls that Justice Suresh had immense facet of justice. Courage, conviction and integrity just were some attributes of his character. A fearless flag bearer of the human rights movements and a passionate and forthright voice of oppress, Justice Suresh was.

My Lord the Chief Justice, I, on behalf of the learned Advocate General of Maharashtra, pay my humble respect to Justice Suresh and offer our heartfelt condolences to the bereaved family and fully associate to the sentiments that have been expressed here by Your Lordship, learned ASG and other distinguished speakers.

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**ADDRESS BY MR. SUDEEP PASBOLA, VICE-CHAIRMAN, BAR COUNCIL OF MAHARASHTRA & GOA :-**

My Lord the Hon'ble Chief Justice, the Hon'ble Judges of the High Court, Shri.Anil Singh, Additional Solicitor General, President of the Bombay Bar Association Shri Nitin Thakkar, Shri Kuldeep Patil, Secretary of Advocates' Association of Western India, Mr. Rajiv Chavan, Senior Advocate, on behalf of the Advocate General of Maharashtra and Shri.Kalyaniwalla, President of the Bombay Incorporated Law Society, other senior Judges, Advocates and Lawyers and other dignitaries.

My Lord Justice Hosbet Suresh was not only a Judge but a very kind human person. Mumbai is fortunate to have Justice Hosbet Suresh to spend most of his adult life here. As my Lord says, he was born in Karnataka in 1929 and came to pursue his LLM degree in Mumbai. He remained here, practiced here and this was his position. Justice Suresh after having retired from Bombay High Court in 1995, played an extremely important public role into upholding the fundamental rights of the citizen. Soon after his retirement, he conducted public inquiries into the violation of human rights, democratic rights and civil liberties as a member of Indian People's Human Rights Commission established by his mentor Justice Krishna Iyer and the Indian People's Tribunal on Environment and Human rights. It was in the same year of his retirement that he conducted his first inquiry. The most memorable enquiry report, People's Verdict, enquired into the communal riots that shook Mumbai in 1992-1993, he along with Justice S.M. Daud visited different parts of Mumbai to hear people and speak about the horrors faced by the minority population and

the State's complicity and expeditiously wrote the report that was probably published within six months. Justice Suresh was fearless in his speech and writing. He was not deterred in doing what he felt was right. Justice Suresh spoke at several public meetings on unpopular topics, not worried about any reprisal. He was not one to refuse an invitation to speak on any human rights topic, even when he had become frail. Justice Suresh was on the Board of or attached to several non-governmental organizations working in the field of human rights, communal harmony, women's rights, prisoner's right etc. He was threatened for being involved with organizations whom the State perceived as anti-national, but he did not break his association with them.

In his early days in Mumbai, he taught at the Government Law College and the K.C. Law College and envy his students who must have learnt so much from his radical perspective. In his later years, Justice Suresh also used to give lectures in the afternoons of Saturday and Sunday at Mumbai University in Civil and Political Department on Human Rights. He consolidated his lectures into a book "My voice is My Conscience". Justice Suresh was a guide to several people in the human rights arena, who felicitated him on his 25 years of public duty after his retirement.

Lawyers regularly saw him walking down Nagindas Master Road in the evenings when returning to his office after arbitration, which too he engaged in for many years after his retirement. When he returned to his office, several activists would be waiting for him and he would speak with them, however tired he may be.

My lord justice Suresh as a Judge of this Court has delivered one of the most famous verdicts in the case of "Subhash Desai V/s

Sharad Rao" wherein he set aside the election of the member of the Maharashtra Legislative Assembly on the ground of use of religion in election propaganda.

My Lord, many notable judgments are delivered by Justice Suresh and he would be remembered for a long, due to his love for fellow legal fraternity.

My Lord, on behalf of the Bar Council of Maharashtra and Goa, I express my heartfelt condolences to Justice Suresh.

May his soul rest in eternal peace.

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**ADDRESS BY MR. NITIN THAKKAR, PRESIDENT, BOMBAY BAR ASSOCIATION :-**

My Lord the Chief Justice and the other judges of this Hon'ble Court, Mr.Anil Singh, Additional Solicitor General, Mr.Rajiv Chavan, Senior Advocate, on behalf of the Advocate General of Maharashtra, Mr.Sudip Pasbola, the Vice Chairman, Bar Council of Maharashtra and Goa, Mr.Kuldeep Patil, Secretary, Advocates' Association of Western India, Mr.Kaiwan Kalyaniwalla, President, Bombay Incorporated Law Society, Members of family of Justice Suresh, Senior Advocates, Members of the Bar, Ladies and Gentlemen.

"I am a retired Judge but not a tired one" so remarked Justice Hosbet Suresh during one of his fact-finding mission. This was the voice of the person who championed the cause of voiceless.

I am tempted to share with Your Lordship the tribute paid by Justice P.B.S awant after his passing away on 11<sup>th</sup> June 2020 in the following words and I quote "Justice Suresh was a competent, progressive, humane and a popular judge. As a student, during the period of his advocacy and after retirement from judiciary, he had always associated himself with all public, pro-people, secular and humanist causes." unquote.

I had an occasion to appear before Justice Suresh while he was a Judge of the City Civil Court and of the High Court as well as while he was acting as an Arbitrator, post his retirement. I also had an occasion to appear against him while he was practicing as an advocate in the High Court. As a Judge, he was

encouraging juniors and it did not make any difference whether junior or senior appears before him. He had a keen sense to do justice and was not stricter about procedures. As far as I recollect, the weekly board system on the original side was started by him in his Court and all other Courts, though did not start it at that time, were working on daily board system.

After retirement, besides acting as an arbitrator, he earned fame due to his active role in humanitarian causes. He was part of various Tribunals and fact-finding missions. His several reports are testimony of hard work put in by him.

In his passing away, the legal fraternity has lost a defender of human rights and a great human being.

I join my Lord the Hon'ble Chief Justice and previous speakers in paying tributes to him on behalf of myself and Bombay Bar Association.

May his soul rest in eternal peace.

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**ADDRESS BY MR. KULDEEP PATIL, SECRETARY,  
ADVOCATES' ASSOCIATION OF WESTERN INDIA :-**

The Hon'ble Chief Justice of Bombay High Court, the Hon'ble Judges of Bombay High Court, learned Additional Solicitor General Shri. Anil Singh, Shri. Rajiv Chavan, Senior Counsel, representing the learned Advocate General of Maharashtra, Vice-President of Bar Council of Maharashtra and Goa, Shri. Sudeep Pasbola, President of Bombay Bar Association Shri. Nitin Thakkar, President, Bombay Incorporated Law Society, Shri. Kaiwan Kalyaniwalla, members of the legal fraternity, Ladies and Gentlemen and all the family members of late Justice Suresh.

It is with a deep sense of sorrow that we have come to condole the passing away of Hon'ble Shri Justice Hosbet Suresh, former Judge of the Bombay High Court who left for heavenly abode on 11<sup>th</sup> June 2020. During his tenure as a High Court Judge, he contributed with various judgments touching upon wide ranging issues including civil, criminal and procedural laws.

Justice Suresh is remembered for many of his judgments including the landmark verdict in "Subhash Desai V/s. Sharad J. Rao" case that had set aside the election of a member of Maharashtra Legislative Assembly on the ground that he had misused religion and indulged in religious propaganda for garnering votes.

Many remember Justice Hosbet Suresh as the flag bearer of the human rights movements in the country carrying on in the footsteps of his late mentor Hon'ble Justice Shri. Krishna Iyer. In later years and after his retirement, Justice Suresh had responded

to the calls of various social action groups and travelled to the remotest corners of the country and other parts of Asia and headed several people's inquiry commissions and brought out reports highlighting the rampant violation of basic human rights.

Justice Suresh either participated or headed investigations into the riots following the Cauvery Waters Dispute, Bangalore (1991), the Mumbai riots (1992-93), forced evictions of slum-dwellers by the Civic Authorities in Mumbai (1994), harmful effects of prawn farming on the eastern coast that led the Hon'ble Supreme Court to order a ban on prawn cultivation (1995). He was also part of the commission that investigated the drowning of Dalits by the Tamil Nadu police (1999), the shooting of tribal in Madhya Pradesh (1999), also inquiry into the 2002 Gujarat riots that led to the report of the concerned Citizens Tribunal.

I feel that the biggest quality of a human being is that we do not need to remember them, but they remain alive in our memories. Justice Suresh has left the world by making a mark in the lives of thousands of people and will always remain in our memories. Justice Suresh enjoyed abundance of goodwill and affection from every member of the bar. He truly believed that, with sheer hard work and a heart filled with humility you can achieve greatness. His life is an inspiration for the young generation during these times.

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.

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**ADDRESS BY MR. KAIWAN KALYANIWALLA, PRESIDENT,  
BOMBAY INCORPORATED LAW SOCIETY :-**

My Lord the Hon'ble Chief Justice, learned Additional Solicitor General Shri.Anil Singh, Shri.Rajiv Chavan, Senior Counsel representing the learned Advocate General, members of the Bombay Bar Association, Vice-President of Bar Council of Maharashtra and Goa, Presidents of the Bombay Bar Association and Advocates' Association of Western India.

I address this reference as President of the Bombay Incorporated Law Society, on whose behalf I express my condolences on the sad demise of Justice Hosbet Suresh.

I concur with the sentiments of my Lord Chief Justice and feelings expressed by my colleagues at the Bar. Justice Suresh had a thriving practice at Bombay City Civil Court and was subsequently appointed as a Judge of that Court. He moved his practice to the Bombay High Court and was elevated subsequently as Judge of our Court in 1986. The cause of civil rights and liberties was closest to his heart. His work in several civil rights poses about Indian legal history. Justice Suresh was admired by the members of the legal fraternity as an astute Judge with integrity. He was an amiable disposition and it was a pleasure to argue on the points of law before him. Upon his retirement in addition to his civil rights practice, Justice Suresh was committed to a busy chamber practice and was much served after Arbitrator.

In passing on of Justice Suresh, we have lost not only a fine judge, a friend of civil liberties, but also a distinguished gentleman. A heartfelt condolence to the members of his family.

May his soul rest in peace.

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