

ADDRESS BY HON'BLE CHIEF JUSTICE SHRI MOHIT S. SHAH,
HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FIRST
COURT REFERENCE TO LATE SHRI JUSTICE MADHUKAR
SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON
WEDNESDAY, 19 NOVEMBER, 2014.

My esteemed colleague Brother Justice Nitin Jamdar

Mr. Anil Singh, Additional Solicitor General of India

Mr. Vithal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa.

Dr. Milind Sathe, President of Bombay Bar Association

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

Senior Advocates

Advocates

Members of the bereaved family

Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late **Shri Justice Madhukar Shankar Jamdar**, former Judge of this Court, who left for his heavenly abode on 3 October, 2014, at the age of 90 years.

Born on 14 November, 1924, Justice Jamdar completed his school education from New High School, Solapur and college education from D.A.V. College, Solapur; S.P. College, Pune; and obtained Law Degree from Indian Law Society's Law College, Pune.

Justice M.S.Jamdar was from family of lawyers. His father S.N.Jamdar was a leading lawyer and was District Government Pleader at Solapur. His maternal grandfather was also a leading civil lawyer in Solapur. Shri S.N.Jamdar, father of Justice M.S.Jamdar, was actively involved in the freedom struggle and was also incarcerated during the freedom movement. Mother of Justice M.S.Jamdar was actively involved in social work. Both the parents of Justice M.S.Jamdar established various educational and charitable institutions in Solapur.

Justice Jamdar's brother was a fighter pilot in the Indian Air Force and was killed on the Pakistan border when his fighter jet crashed at Udhampur, Jammu in the year 1962.

Justice M.S. Jamdar enrolled as a Pleader in 1947. He was a leading lawyer in Solapur. He practised on Civil, Criminal

and Labour Sides, Appellate as well as Original in all Courts in Solapur District, Labour Courts in Pune & Mumbai and Industrial Court, Mumbai. He appeared for various cotton mills in Solapur. He acted as a Liquidator for a famous Cotton Mill at Solapur. This work was intricate and spanned over several years.

On academic side, he taught with dedication as part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. He was instrumental in founding the Dayanand Evening Law College at Solapur in the year 1964 where he was part-time Principal from 1964 to 1967. He was also a Member of Academic Council, Senate and Law Faculty of Shivaji University from 1964 to 1967. He was interested in sports and represented the College in cricket.

Justice Jamdar joined the judicial service as Assistant Judge at Pune directly from the Bar on 1 February 1967. He was appointed as District Judge on 24 November 1969 and promoted as Selection Grade District Judge and Inspecting Judge, Thane, on 9 September 1976.

In recognition of his sincere and dedication in judicial service, Justice M.S.Jamdar was elevated to the Bench of the Bombay High Court on 12 January 1979.

Justice Jamdar adorned the Bench of this High Court for almost eight years i.e. from 12 January 1979 to 14 November 1986.

For almost eight years, Justice Jamdar dealt with each case with absolute receptivity which every citizen expects from a Judge. During his tenure as a Judge of the Bombay High Court, he dealt with a large number of important cases as reported in various law journals. I have seen the judgments delivered by Justice M.S.Jamdar. The cases decided by him pertain to almost all branches of law i.e. criminal, civil and laws relating to local authorities. Justice Jamdar's learning, legal acumen and pragmatism were reflected in his judgments on the Arbitration Act, Negotiable Instruments Act, F.C. (Regulation) Act and other commercial laws. Justice Madhukar Jamdar also zealously guarded personal liberty of citizens against leviathan State by striking down unconstitutional orders prohibiting holding of public meetings, such as in the case of State of Maharashtra vs. George Fernandez decided in the year 1985. Justice Madhukar Jamdar was also party to several Full Benches, such as presided over by Justice B. Lentin in the matter relating to prescribing reservations in public employment. His insight of the constitutional law and principles of administrative law was also evident in his judgments in cases relating to universities. The judgments written in simple language reflect deep insight into law, rich experience and outstanding discharge of his judicial work.

Justice Jamdar was indefatigable inasmuch as after demitting office, he remained energetic and continued to devote his time, energies and rich experience by conducting various arbitrations.

He presided over various Lok Adalats and was felicitated by the High Court for conducting 100 Lok Adalats.

Even after retirement, Justice Jamdar, who was fond of travelling, never lost his zest for life. He travelled extensively to various countries till the age of 85 years. He even did para-sailing in Thailand at the age of 84.

The measure of a man like Justice Madhukar Shankar Jamdar is not to be seen merely in his personal achievements, but also in the values and traditions that he passes on to the succeeding generations.

He is survived by wife Meena and four sons - Atul, Milind, Sunil - all Engineers, and the youngest being Justice Nitin Jamdar, who is with us on the Bench today; four daughters-in-law and six grandchildren.

In passing away of Justice Jamdar, we have lost a friend, an eminent Judge, a guide and above all, a good human being. In this hour of grief, on behalf of all of us, I convey my heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss and overcome the grief.

May the departed soul rest in eternal peace !

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**ADDRESS BY SHRI ANIL SINGH, ADDITIONAL SOLICITOR
GENERAL OF INDIA, AT THE FIRST COURT REFERENCE TO
LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER
JUDGE OF THIS HIGH COURT, ON WEDNESDAY,
19 NOVEMBER, 2014.**

My Lord the Honourable Chief Justice

Honourable Shri Justice Nitin Jamdar

Shri Vitthal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

Shri Rajiv Chavan, President,
Advocates' Association of Western India

Members of the Bar

Justice Madhukar Shankar Jamdar started his career as a Pleader in Year 1947 and thereafter having worked as Assistant Judge and District Judge was ultimately elevated as Additional Judge of Bombay High Court in 1979, was appointed as permanent Judge in 1981 and retired in year 1986.

His Judgments echo His Lordship's deep knowledge of Law and mature understanding of human values. Throughout his career as a Judge, he displayed a quick grasp and keen intellect coupled with polished manner and courtesy. He enjoyed the respect of all and was known not just a great Judge but even a great human being.

During his tenure as a Judge of Bombay High Court, he was party to landmark judgments on various subjects of law including Arbitration Act, Bombay Municipal Corporation Act, Code of Civil Procedure, 1908 and Criminal Procedure Code, 1973.

His Lordship's Judgment in the matter of State of Maharashtra V/s. George Fernandes & Ors., Reported in 1985 (1) Bom.C.R. 696, wherein His Lordship has held the basic difference between "Advertisement" and "news item" published in news paper and further held that public order and public peace or public safety are synonymous. Further His Lordship's Judgment in the matter of Lotu Pandu Sonawane V/s. Kundalik Nimba Koli, reported in 1985 (2) Bom.C.R. Pg.298, interpreted the words "an appropriate case", as referred in Section 22 of the Specific Relief Act. While interpreting section 527 of the Bombay Municipal Act in the matter of Shadu Vitthal Joshi V/s. Municipal Corporation & Anr., His Lordship has held that notice to Deputy Municipal Commissioner and not to Corporation u/s. 527 of the said Act could not be treated as valid notice u/s. 527.

His death is an immense loss to the legal fraternity and I convey my heartfelt condolence to the members of his family. May the almighty give them strength to bear the great loss. May the departed soul rest in eternal peace.

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My Lord the Honourable Chief Justice Shri Mohit S. Shah

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Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late Shri Madhukar Shankar Jamdar, Former Judge of this High Court, who left for his heavenly abode on 3 October, 2014 at Mumbai.

I, on behalf of the Bar Council of Maharashtra and Goa, endorse the sentiments expressed by My Lord Chief Justice and learned Additional Solicitor General of India.

Late Justice Madhukar Shankar Jamdar was born on 14 November, 1924. He was enrolled as a Pleader on 10 March, 1947. He started his practice at Solapur on 15 June, 1962 on Civil, Criminal and Labour Side in all the Courts in Solapur District and Labour Court, Pune and Industrial Court, Bombay. He also worked in Appellate and Original Side of this Court.

Justice Jamdar was appointed as Assistant Judge on 1 February, 1967 and was promoted as District Judge on 24 November, 1969 and also he was appointed as Selection Grade District Judge and Inspecting Judge, Thane on 9 September, 1976. Justice Jamdar was part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. Justice Jamdar has also worked part-time Principal, Dayanand Law College, Solapur. Justice Jamdar was appointed as Additional Judge of Bombay High Court from 12 January, 1979. He was appointed as permanent Judge on 9 January, 1981 and retired on 14 November, 1986.

Though I had no occasion to appear before Justice Jamdar but as I was told by the Senior Advocates of this Bar, Justice Jamdar had great depth of law and quick grasp of the facts and great desire to do justice. No one ever suffered in Justice Jamdar's Court.

Justice Jamdar handled each and every legal problem with his wide outlook and deep insight. Justice Jamdar had vast experience of law and social system of human approach to solve

many legal problems. Justice Jamdar was tough on his principles and integrity which was non- negotiable.

During his tenure as a Judge of Bombay High Court he dealt with large number of cases. Justice Jamdar always gave courteous treatment to all the Advocates. He always showed readiness and desire to know the Advocates' point of view during the arguments.

During his tenure as a Judge of this Court, Justice Jamdar has rendered many landmark and thought provoking judgments.

After retirement, Justice Jamdar acted as an Arbitrator in many important disputes. Justice Jamdar loved Cricket and Literature.

May I, on behalf of the Bar Council of Maharashtra and Goa, extend my condolence to Mrs. Meena Jamdar, Hon'ble Shri Justice Nitin Jamdar and all the Members of Jamdar Family. We are with them in their hour of grief.

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ADDRESS BY DR.MILIND SATHE, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY,19 NOVEMBER, 2014.

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Members of the Justice Jamdar family

Senior Advocates

Members of the Bar

Ladies and Gentlemen

We assemble here this morning to condole the sad demise of Late Justice Madhukar Shankar Jamdar who passed away on 3 October, 2014 at Mumbai at the age of 89. Four days back on 14 November he would have turned 90, but that was not to be.

Late Justice M. S. Jamdar was born on 14 November, 1924 at Solapur in a lawyers family. His father was a well established and renowned lawyer at Solapur. After completing his education at New High School Solapur, Graduation at D.A.V. College Solapur, he passed out Law from Indian Law Society's Law College at Pune.

Immediately thereafter he enrolled as a pleader on 10 March, 1947 and then as Advocate on 15 June, 1962.

Late Justice M. S. Jamdar then practiced on Civil, Criminal and Labour sides as well as on Original and Appellate Side of the Bombay High Court.

He was appointed as Assistant Judge from the Bar on 1 February, 1967 for a short duration till 24 November, 1967.

Thereafter he was appointed as District Judge on 24 November, 1969, Joint District Judge at Nasik, District Judge at Alibaug, Sangli and Thane.

In between he did a stint as Judge of Bombay City Civil Court at Bombay between 24 June, 1974 and 3 September, 1976.

Justice M. S. Jamdar was appointed as Judge of this Hon'ble Court on 12 January, 1979 as Additional Judge, Permanent Judge on 9 January, 1981. He retired on 14 November, 1986.

His youngest son was our colleague for long time and now he is with us as a Judge of this Hon'ble Court.

Justice M. S. Jamdar was meticulous, industrious and stickler for discipline. Despite being very soft spoken and gentle he could be stern whenever necessary. I remember, when he sat on Original Side assignment taking up suits in Court Room No. 37, there was a mini turmoil. Juniors who were briefed to get directions in the suits for a brief with marked docket of 5 Gms. would have to only stand up and say long cause, short cause or commercial cause and rest would be done by the Court Associate to note timelines for filing Written Statement and Discovery and Inspection. Justice M. S. Jamdar would not let that happen and ask a junior what the suit was about why it was long cause, short cause etc. and most Juniors had not even read the brief. An important lesson was taught, which was though so obvious, not to enter the court without knowing the brief.

Justice M. S. Jamdar was a very soft-spoken, gentle and a fatherly figure in Court and would make everybody comfortable in Court.

One of the important judgment he had written was acquittal of George Fernandes. He was booked under the Bombay Police Act for holding rallies without permission. Justice Jamdar confirmed the acquittal referring to fundamental right of assembling peacefully without arms. Justice M. S. Jamdar has

authored several Judgments in Labour and Industrial Law, Criminal Law and Field of Education and Law reports bear testimony to his prowess at writing judgements on varied subjects.

After retirement Justice Jamdar committed himself to Social Work as well as working as Arbitrator and presiding over Lok Adalats. The Bombay High Court felicitated him for completing 100 Lok Adalats.

Justice M. S. Jamdar lived life to the fullest and enjoyed it even after post retirement. I am told he did some remarkable feat which all of us would look at with awe. He did parasailing in Thailand at the age of 84. That was his spirit of life and message of life.

The death of Justice M. S. Jamdar is a great loss to all of us and members of Jamdar family. On behalf of members of Bombay Bar Association and myself I express my heartfelt condolences to the bereaved family and pray almighty to give them courage and strength to bear the loss.

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ADDRESS BY SHRI RAJIV CHAVAN, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY, 19 NOVEMBER, 2014.

My Lord the Chief Justice Mr. Justice Mohit Shah

My Lord Mr. Justice Nitin Jamdar

Mr. Vitthal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

Members of late Justice Jamdar's family

Advocates

Ladies and Gentlemen

Mr. Justice Madhukar Shankar Jamdar passed away on 3 October, 2014 at Mumbai and we are here today to mourn his sad demise.

Justice Jamdar did his schooling in Solapur and University education in Pune, after which he completed his Law studies from ILS's Law College at Pune. He started practice as an Advocate in Solapur with his father Mr. Shankar Neelkanth Jamdar in criminal and labour courts. His father was a freedom fighter and was a District Government Pleader till he retired. Justice Jamdar

married Smt. Meenatai. It was a love marriage, which was performed in a temple. Justice Jamdar was the first Principal of DAV's Law College in Solapur. He was an excellent cricket player and batting was his forte.

In 1967, Justice Jamdar was directly appointed as an Assistant Judge, after which he became the Joint District Judge. He went on to become the City Civil & Sessions Court Judge in Mumbai and then the Selection Grade & Inspecting District Judge. After a career spanning 12 years in the State's judiciary on 12 January, 1979, he was appointed as an Additional Judge of this High Court and on 9 January 1981, he became a permanent Judge of this Court. Justice Jamdar retired in November, 1986.

Justice Madhukar Shankar Jamdar was known to be fair in his treatment towards Advocates and never showed preference to any of them. Senior Advocate Mr. Prasad Dhakephalkar recalled an incident which gives us a glimpse of the Judge he was. Justice Jamdar was in a habit of perusing the case papers whenever matters were called out and he would hold them in front of his face while doing so. Naturally, one could hardly see his face when he did this. At times, he would take more than five minutes pouring over these papers. On one occasion in a particular matter Senior Advocate Mr. Nani Palkhiwala was appearing for the petitioner and the matter was called out. Mr. Palkhiwala stood up ready to present his case. Justice Jamdar, who casually looked at him, picked up the papers and continued to pour over them. He

took all of five minutes while Mr. Palkhiwala continued to stand all the while. Once he was done with the reading he looked at Mr. Palkhiwala and called upon him to begin his arguments. Need I mention who Mr. Palkhiwala was? Such little anecdotes in a court room give us a glimpse of how Justice Jamdar perceived everyone as equals in his court room.

A senior criminal lawyer Mr. Shirish Gupte likewise recalls Justice Jamdar as a kind-hearted and soft-spoken judge. Mr. Gupte, who conducted his career's first trial before Justice Jamdar, acknowledges that his knowledge of criminal law was extraordinary and that his first principles of criminal jurisprudence were very strong. He always encouraged junior lawyers and often quoted judgments in the course of arguments. Another senior lawyer – Mr. PM. Pradhan had an anecdote he recalled. After retirement, Justice Jamdar took over as the Chairman of CGIT. One day Advocate Pradhan went to the CGIT to conduct a matter. The lift in the building was not functional. Even so Advocate Pradhan kept waiting. In the meanwhile, Justice Jamdar reached CGIT and saw Mr. Pradhan waiting for the lift. After realizing that the lift was not functional, Justice Jamdar suggested that they take the stairs. Mr. Pradhan informed him that he had suffered a heart attack, hence he couldn't walk up the stairs. 'Oh!', in that case said Justice Jamdar, "Mr. Pradhan you needn't come up. Send your client and I will give him a date in your matter". This was the sensitive and humane side of the Judge.

Justice Jamdar presided over many Lok Adalat sittings conducted in this High Court. For a number of years he would come all the way from Solapur to attend the Lok Adalats. A senior-most Judge of this Hon'ble Court once requested Justice Jamdar to discontinue his Lok Adalat work due to his advanced age, ill-health and travel distance. Advocate R.M. Nakhawa, who regularly participated in Lok Adalat work, heard Justice Jamdar's reply to this suggestion. Justice Jamdar said, "I will work till I am alive and please don't refrain me from doing Lok Adalat work". Some times Justice Jamdar would request Advocate Nakhawa to hold him by his hand and walk him to his car as he was feeble and unable to walk. But, despite his advanced age and ill-health, Justice Jamdar kept his commitment to serve the common man by continuing his Lok Adalat work.

A fair, kind-hearted, soft-spoken, humane, sensitive and dedicated Judge is no more. My Lord, on behalf of the Advocates' Association of Western India, I fully associate with the sentiments that have been expressed here by Your Lordship as well as my colleagues at the Bar and I pay my humble respect on behalf of the Association to the departed soul and offer condolences to the bereaved family.

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May I, on behalf of the Bar Council of Maharashtra and Goa, extend my condolence to Mrs. Meena Jamdar, Hon'ble Shri Justice Nitin Jamdar and all the Members of Jamdar Family. We are with them in their hour of grief.

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We assemble here this morning to condole the sad demise of Late Justice Madhukar Shankar Jamdar who passed away on 3 October, 2014 at Mumbai at the age of 89. Four days back on 14 November he would have turned 90, but that was not to be.

Late Justice M. S. Jamdar was born on 14 November, 1924 at Solapur in a lawyers family. His father was a well established and renowned lawyer at Solapur. After completing his education at New High School Solapur, Graduation at D.A.V. College Solapur, he passed out Law from Indian Law Society's Law College at Pune.

Immediately thereafter he enrolled as a pleader on 10 March, 1947 and then as Advocate on 15 June, 1962.

Late Justice M. S. Jamdar then practiced on Civil, Criminal and Labour sides as well as on Original and Appellate Side of the Bombay High Court.

He was appointed as Assistant Judge from the Bar on 1 February, 1967 for a short duration till 24 November, 1967.

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Justice M. S. Jamdar was appointed as Judge of this Hon'ble Court on 12 January, 1979 as Additional Judge, Permanent Judge on 9 January, 1981. He retired on 14 November, 1986.

His youngest son was our colleague for long time and now he is with us as a Judge of this Hon'ble Court.

Justice M. S. Jamdar was meticulous, industrious and stickler for discipline. Despite being very soft spoken and gentle he could be stern whenever necessary. I remember, when he sat on Original Side assignment taking up suits in Court Room No. 37, there was a mini turmoil. Juniors who were briefed to get directions in the suits for a brief with marked docket of 5 Gms. would have to only stand up and say long cause, short cause or commercial cause and rest would be done by the Court Associate to note timelines for filing Written Statement and Discovery and Inspection. Justice M. S. Jamdar would not let that happen and ask a junior what the suit was about why it was long cause, short cause etc. and most Juniors had not even read the brief. An important lesson was taught, which was though so obvious, not to enter the court without knowing the brief.

Justice M. S. Jamdar was a very soft-spoken, gentle and a fatherly figure in Court and would make everybody comfortable in Court.

One of the important judgment he had written was acquittal of George Fernandes. He was booked under the Bombay Police Act for holding rallies without permission. Justice Jamdar confirmed the acquittal referring to fundamental right of assembling peacefully without arms. Justice M. S. Jamdar has

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Justice M. S. Jamdar lived life to the fullest and enjoyed it even after post retirement. I am told he did some remarkable feat which all of us would look at with awe. He did parasailing in Thailand at the age of 84. That was his spirit of life and message of life.

The death of Justice M. S. Jamdar is a great loss to all of us and members of Jamdar family. On behalf of members of Bombay Bar Association and myself I express my heartfelt condolences to the bereaved family and pray almighty to give them courage and strength to bear the loss.

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ADDRESS BY SHRI RAJIV CHAVAN, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY, 19 NOVEMBER, 2014.

My Lord the Chief Justice Mr. Justice Mohit Shah

My Lord Mr. Justice Nitin Jamdar

Mr. Vitthal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

Members of late Justice Jamdar's family

Advocates

Ladies and Gentlemen

Mr. Justice Madhukar Shankar Jamdar passed away on 3 October, 2014 at Mumbai and we are here today to mourn his sad demise.

Justice Jamdar did his schooling in Solapur and University education in Pune, after which he completed his Law studies from ILS's Law College at Pune. He started practice as an Advocate in Solapur with his father Mr. Shankar Neelkanth Jamdar in criminal and labour courts. His father was a freedom fighter and was a District Government Pleader till he retired. Justice Jamdar

married Smt. Meenatai. It was a love marriage, which was performed in a temple. Justice Jamdar was the first Principal of DAV's Law College in Solapur. He was an excellent cricket player and batting was his forte.

In 1967, Justice Jamdar was directly appointed as an Assistant Judge, after which he became the Joint District Judge. He went on to become the City Civil & Sessions Court Judge in Mumbai and then the Selection Grade & Inspecting District Judge. After a career spanning 12 years in the State's judiciary on 12 January, 1979, he was appointed as an Additional Judge of this High Court and on 9 January 1981, he became a permanent Judge of this Court. Justice Jamdar retired in November, 1986.

Justice Madhukar Shankar Jamdar was known to be fair in his treatment towards Advocates and never showed preference to any of them. Senior Advocate Mr. Prasad Dhakephalkar recalled an incident which gives us a glimpse of the Judge he was. Justice Jamdar was in a habit of perusing the case papers whenever matters were called out and he would hold them in front of his face while doing so. Naturally, one could hardly see his face when he did this. At times, he would take more than five minutes pouring over these papers. On one occasion in a particular matter Senior Advocate Mr. Nani Palkhiwala was appearing for the petitioner and the matter was called out. Mr. Palkhiwala stood up ready to present his case. Justice Jamdar, who casually looked at him, picked up the papers and continued to pour over them. He

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A senior criminal lawyer Mr. Shirish Gupte likewise recalls Justice Jamdar as a kind-hearted and soft-spoken judge. Mr. Gupte, who conducted his career's first trial before Justice Jamdar, acknowledges that his knowledge of criminal law was extraordinary and that his first principles of criminal jurisprudence were very strong. He always encouraged junior lawyers and often quoted judgments in the course of arguments. Another senior lawyer – Mr. P.M. Pradhan had an anecdote he recalled. After retirement, Justice Jamdar took over as the Chairman of CGIT. One day Advocate Pradhan went to the CGIT to conduct a matter. The lift in the building was not functional. Even so Advocate Pradhan kept waiting. In the meanwhile, Justice Jamdar reached CGIT and saw Mr. Pradhan waiting for the lift. After realizing that the lift was not functional, Justice Jamdar suggested that they take the stairs. Mr. Pradhan informed him that he had suffered a heart attack, hence he couldn't walk up the stairs. 'Oh!', in that case said Justice Jamdar, "Mr. Pradhan you needn't come up. Send your client and I will give him a date in your matter". This was the sensitive and humane side of the Judge.

Justice Jamdar presided over many Lok Adalat sittings conducted in this High Court. For a number of years he would come all the way from Solapur to attend the Lok Adalats. A senior-most Judge of this Hon'ble Court once requested Justice Jamdar to discontinue his Lok Adalat work due to his advanced age, ill-health and travel distance. Advocate R.M. Nakhawa, who regularly participated in Lok Adalat work, heard Justice Jamdar's reply to this suggestion. Justice Jamdar said, "I will work till I am alive and please don't refrain me from doing Lok Adalat work". Some times Justice Jamdar would request Advocate Nakhawa to hold him by his hand and walk him to his car as he was feeble and unable to walk. But, despite his advanced age and ill-health, Justice Jamdar kept his commitment to serve the common man by continuing his Lok Adalat work.

A fair, kind-hearted, soft-spoken, humane, sensitive and dedicated Judge is no more. My Lord, on behalf of the Advocates' Association of Western India, I fully associate with the sentiments that have been expressed here by Your Lordship as well as my colleagues at the Bar and I pay my humble respect on behalf of the Association to the departed soul and offer condolences to the bereaved family.

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ADDRESS BY HON'BLE CHIEF JUSTICE SHRI MOHIT S. SHAH,
HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FIRST
COURT REFERENCE TO LATE SHRI JUSTICE MADHUKAR
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Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late **Shri Justice Madhukar Shankar Jamdar**, former Judge of this Court, who left for his heavenly abode on 3 October, 2014, at the age of 90 years.

Born on 14 November, 1924, Justice Jamdar completed his school education from New High School, Solapur and college education from D.A.V. College, Solapur; S.P. College, Pune; and obtained Law Degree from Indian Law Society's Law College, Pune.

Justice M.S.Jamdar was from family of lawyers. His father S.N.Jamdar was a leading lawyer and was District Government Pleader at Solapur. His maternal grandfather was also a leading civil lawyer in Solapur. Shri S.N.Jamdar, father of Justice M.S.Jamdar, was actively involved in the freedom struggle and was also incarcerated during the freedom movement. Mother of Justice M.S.Jamdar was actively involved in social work. Both the parents of Justice M.S.Jamdar established various educational and charitable institutions in Solapur.

Justice Jamdar's brother was a fighter pilot in the Indian Air Force and was killed on the Pakistan border when his fighter jet crashed at Udhampur, Jammu in the year 1962.

Justice M.S. Jamdar enrolled as a Pleader in 1947. He was a leading lawyer in Solapur. He practised on Civil, Criminal

and Labour Sides, Appellate as well as Original in all Courts in Solapur District, Labour Courts in Pune & Mumbai and Industrial Court, Mumbai. He appeared for various cotton mills in Solapur. He acted as a Liquidator for a famous Cotton Mill at Solapur. This work was intricate and spanned over several years.

On academic side, he taught with dedication as part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. He was instrumental in founding the Dayanand Evening Law College at Solapur in the year 1964 where he was part-time Principal from 1964 to 1967. He was also a Member of Academic Council, Senate and Law Faculty of Shivaji University from 1964 to 1967. He was interested in sports and represented the College in cricket.

Justice Jamdar joined the judicial service as Assistant Judge at Pune directly from the Bar on 1 February 1967. He was appointed as District Judge on 24 November 1969 and promoted as Selection Grade District Judge and Inspecting Judge, Thane, on 9 September 1976.

In recognition of his sincere and dedication in judicial service, Justice M.S.Jamdar was elevated to the Bench of the Bombay High Court on 12 January 1979.

Justice Jamdar adorned the Bench of this High Court for almost eight years i.e. from 12 January 1979 to 14 November 1986.

For almost eight years, Justice Jamdar dealt with each case with absolute receptivity which every citizen expects from a Judge. During his tenure as a Judge of the Bombay High Court, he dealt with a large number of important cases as reported in various law journals. I have seen the judgments delivered by Justice M.S.Jamdar. The cases decided by him pertain to almost all branches of law i.e. criminal, civil and laws relating to local authorities. Justice Jamdar's learning, legal acumen and pragmatism were reflected in his judgments on the Arbitration Act, Negotiable Instruments Act, F.C. (Regulation) Act and other commercial laws. Justice Madhukar Jamdar also zealously guarded personal liberty of citizens against leviathan State by striking down unconstitutional orders prohibiting holding of public meetings, such as in the case of State of Maharashtra vs. George Fernandez decided in the year 1985. Justice Madhukar Jamdar was also party to several Full Benches, such as presided over by Justice B. Lentin in the matter relating to prescribing reservations in public employment. His insight of the constitutional law and principles of administrative law was also evident in his judgments in cases relating to universities. The judgments written in simple language reflect deep insight into law, rich experience and outstanding discharge of his judicial work.

Justice Jamdar was indefatigable inasmuch as after demitting office, he remained energetic and continued to devote his time, energies and rich experience by conducting various arbitrations.

He presided over various Lok Adalats and was felicitated by the High Court for conducting 100 Lok Adalats.

Even after retirement, Justice Jamdar, who was fond of travelling, never lost his zest for life. He travelled extensively to various countries till the age of 85 years. He even did para-sailing in Thailand at the age of 84.

The measure of a man like Justice Madhukar Shankar Jamdar is not to be seen merely in his personal achievements, but also in the values and traditions that he passes on to the succeeding generations.

He is survived by wife Meena and four sons - Atul, Milind, Sunil - all Engineers, and the youngest being Justice Nitin Jamdar, who is with us on the Bench today; four daughters-in-law and six grandchildren.

In passing away of Justice Jamdar, we have lost a friend, an eminent Judge, a guide and above all, a good human being. In this hour of grief, on behalf of all of us, I convey my heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss and overcome the grief.

May the departed soul rest in eternal peace !

....

**ADDRESS BY SHRI ANIL SINGH, ADDITIONAL SOLICITOR
GENERAL OF INDIA, AT THE FIRST COURT REFERENCE TO
LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER
JUDGE OF THIS HIGH COURT, ON WEDNESDAY,
19 NOVEMBER, 2014.**

My Lord the Honourable Chief Justice

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Former Chairman, Bar Council of Maharashtra & Goa

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Justice Madhukar Shankar Jamdar started his career as a Pleader in Year 1947 and thereafter having worked as Assistant Judge and District Judge was ultimately elevated as Additional Judge of Bombay High Court in 1979, was appointed as permanent Judge in 1981 and retired in year 1986.

His Judgments echo His Lordship's deep knowledge of Law and mature understanding of human values. Throughout his career as a Judge, he displayed a quick grasp and keen intellect coupled with polished manner and courtesy. He enjoyed the respect of all and was known not just a great Judge but even a great human being.

During his tenure as a Judge of Bombay High Court, he was party to landmark judgments on various subjects of law including Arbitration Act, Bombay Municipal Corporation Act, Code of Civil Procedure, 1908 and Criminal Procedure Code, 1973.

His Lordship's Judgment in the matter of State of Maharashtra V/s. George Fernandes & Ors., Reported in 1985 (1) Bom.C.R. 696, wherein His Lordship has held the basic difference between "Advertisement" and "news item" published in news paper and further held that public order and public peace or public safety are synonymous. Further His Lordship's Judgment in the matter of Lotu Pandu Sonawane V/s. Kundalik Nimba Koli, reported in 1985 (2) Bom.C.R. Pg.298, interpreted the words "an appropriate case", as referred in Section 22 of the Specific Relief Act. While interpreting section 527 of the Bombay Municipal Act in the matter of Shadu Vitthal Joshi V/s. Municipal Corporation & Anr., His Lordship has held that notice to Deputy Municipal Commissioner and not to Corporation u/s. 527 of the said Act could not be treated as valid notice u/s. 527.

His death is an immense loss to the legal fraternity and I convey my heartfelt condolence to the members of his family. May the almighty give them strength to bear the great loss. May the departed soul rest in eternal peace.

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**ADDRESS BY SHRI V.B. KONDE-DESHMUKH, FORMER
CHAIRMAN OF BAR COUNCIL OF MAHARASHTRA & GOA, AT
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Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late Shri Madhukar Shankar Jamdar, Former Judge of this High Court, who left for his heavenly abode on 3 October, 2014 at Mumbai.

I, on behalf of the Bar Council of Maharashtra and Goa, endorse the sentiments expressed by My Lord Chief Justice and learned Additional Solicitor General of India.

Late Justice Madhukar Shankar Jamdar was born on 14 November, 1924. He was enrolled as a Pleader on 10 March, 1947. He started his practice at Solapur on 15 June, 1962 on Civil, Criminal and Labour Side in all the Courts in Solapur District and Labour Court, Pune and Industrial Court, Bombay. He also worked in Appellate and Original Side of this Court.

Justice Jamdar was appointed as Assistant Judge on 1 February, 1967 and was promoted as District Judge on 24 November, 1969 and also he was appointed as Selection Grade District Judge and Inspecting Judge, Thane on 9 September, 1976. Justice Jamdar was part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. Justice Jamdar has also worked part-time Principal, Dayanand Law College, Solapur. Justice Jamdar was appointed as Additional Judge of Bombay High Court from 12 January, 1979. He was appointed as permanent Judge on 9 January, 1981 and retired on 14 November, 1986.

Though I had no occasion to appear before Justice Jamdar but as I was told by the Senior Advocates of this Bar, Justice Jamdar had great depth of law and quick grasp of the facts and great desire to do justice. No one ever suffered in Justice Jamdar's Court.

Justice Jamdar handled each and every legal problem with his wide outlook and deep insight. Justice Jamdar had vast experience of law and social system of human approach to solve

many legal problems. Justice Jamdar was tough on his principles and integrity which was non- negotiable.

During his tenure as a Judge of Bombay High Court he dealt with large number of cases. Justice Jamdar always gave courteous treatment to all the Advocates. He always showed readiness and desire to know the Advocates' point of view during the arguments.

During his tenure as a Judge of this Court, Justice Jamdar has rendered many landmark and thought provoking judgments.

After retirement, Justice Jamdar acted as an Arbitrator in many important disputes. Justice Jamdar loved Cricket and Literature.

May I, on behalf of the Bar Council of Maharashtra and Goa, extend my condolence to Mrs. Meena Jamdar, Hon'ble Shri Justice Nitin Jamdar and all the Members of Jamdar Family. We are with them in their hour of grief.

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ADDRESS BY DR.MILIND SATHE, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY,19 NOVEMBER, 2014.

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For almost eight years, Justice Jamdar dealt with each case with absolute receptivity which every citizen expects from a Judge. During his tenure as a Judge of the Bombay High Court, he dealt with a large number of important cases as reported in various law journals. I have seen the judgments delivered by Justice M.S.Jamdar. The cases decided by him pertain to almost all branches of law i.e. criminal, civil and laws relating to local authorities. Justice Jamdar's learning, legal acumen and pragmatism were reflected in his judgments on the Arbitration Act, Negotiable Instruments Act, F.C. (Regulation) Act and other commercial laws. Justice Madhukar Jamdar also zealously guarded personal liberty of citizens against leviathan State by striking down unconstitutional orders prohibiting holding of public meetings, such as in the case of State of Maharashtra vs. George Fernandez decided in the year 1985. Justice Madhukar Jamdar was also party to several Full Benches, such as presided over by Justice B. Lentin in the matter relating to prescribing reservations in public employment. His insight of the constitutional law and principles of administrative law was also evident in his judgments in cases relating to universities. The judgments written in simple language reflect deep insight into law, rich experience and outstanding discharge of his judicial work.

Justice Jamdar was indefatigable inasmuch as after demitting office, he remained energetic and continued to devote his time, energies and rich experience by conducting various arbitrations.

He presided over various Lok Adalats and was felicitated by the High Court for conducting 100 Lok Adalats.

Even after retirement, Justice Jamdar, who was fond of travelling, never lost his zest for life. He travelled extensively to various countries till the age of 85 years. He even did para-sailing in Thailand at the age of 84.

The measure of a man like Justice Madhukar Shankar Jamdar is not to be seen merely in his personal achievements, but also in the values and traditions that he passes on to the succeeding generations.

He is survived by wife Meena and four sons - Atul, Milind, Sunil - all Engineers, and the youngest being Justice Nitin Jamdar, who is with us on the Bench today; four daughters-in-law and six grandchildren.

In passing away of Justice Jamdar, we have lost a friend, an eminent Judge, a guide and above all, a good human being. In this hour of grief, on behalf of all of us, I convey my heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss and overcome the grief.

May the departed soul rest in eternal peace !

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**ADDRESS BY SHRI ANIL SINGH, ADDITIONAL SOLICITOR
GENERAL OF INDIA, AT THE FIRST COURT REFERENCE TO
LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER
JUDGE OF THIS HIGH COURT, ON WEDNESDAY,
19 NOVEMBER, 2014.**

My Lord the Honourable Chief Justice

Honourable Shri Justice Nitin Jamdar

Shri Vitthal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

Shri Rajiv Chavan, President,
Advocates' Association of Western India

Members of the Bar

Justice Madhukar Shankar Jamdar started his career as a Pleader in Year 1947 and thereafter having worked as Assistant Judge and District Judge was ultimately elevated as Additional Judge of Bombay High Court in 1979, was appointed as permanent Judge in 1981 and retired in year 1986.

His Judgments echo His Lordship's deep knowledge of Law and mature understanding of human values. Throughout his career as a Judge, he displayed a quick grasp and keen intellect coupled with polished manner and courtesy. He enjoyed the respect of all and was known not just a great Judge but even a great human being.

During his tenure as a Judge of Bombay High Court, he was party to landmark judgments on various subjects of law including Arbitration Act, Bombay Municipal Corporation Act, Code of Civil Procedure, 1908 and Criminal Procedure Code, 1973.

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His death is an immense loss to the legal fraternity and I convey my heartfelt condolence to the members of his family. May the almighty give them strength to bear the great loss. May the departed soul rest in eternal peace.

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**ADDRESS BY SHRI V.B. KONDE-DESHMUKH, FORMER
CHAIRMAN OF BAR COUNCIL OF MAHARASHTRA & GOA, AT
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Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late Shri Madhukar Shankar Jamdar, Former Judge of this High Court, who left for his heavenly abode on 3 October, 2014 at Mumbai.

I, on behalf of the Bar Council of Maharashtra and Goa, endorse the sentiments expressed by My Lord Chief Justice and learned Additional Solicitor General of India.

Late Justice Madhukar Shankar Jamdar was born on 14 November, 1924. He was enrolled as a Pleader on 10 March, 1947. He started his practice at Solapur on 15 June, 1962 on Civil, Criminal and Labour Side in all the Courts in Solapur District and Labour Court, Pune and Industrial Court, Bombay. He also worked in Appellate and Original Side of this Court.

Justice Jamdar was appointed as Assistant Judge on 1 February, 1967 and was promoted as District Judge on 24 November, 1969 and also he was appointed as Selection Grade District Judge and Inspecting Judge, Thane on 9 September, 1976. Justice Jamdar was part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. Justice Jamdar has also worked part-time Principal, Dayanand Law College, Solapur. Justice Jamdar was appointed as Additional Judge of Bombay High Court from 12 January, 1979. He was appointed as permanent Judge on 9 January, 1981 and retired on 14 November, 1986.

Though I had no occasion to appear before Justice Jamdar but as I was told by the Senior Advocates of this Bar, Justice Jamdar had great depth of law and quick grasp of the facts and great desire to do justice. No one ever suffered in Justice Jamdar's Court.

Justice Jamdar handled each and every legal problem with his wide outlook and deep insight. Justice Jamdar had vast experience of law and social system of human approach to solve

many legal problems. Justice Jamdar was tough on his principles and integrity which was non- negotiable.

During his tenure as a Judge of Bombay High Court he dealt with large number of cases. Justice Jamdar always gave courteous treatment to all the Advocates. He always showed readiness and desire to know the Advocates' point of view during the arguments.

During his tenure as a Judge of this Court, Justice Jamdar has rendered many landmark and thought provoking judgments.

After retirement, Justice Jamdar acted as an Arbitrator in many important disputes. Justice Jamdar loved Cricket and Literature.

May I, on behalf of the Bar Council of Maharashtra and Goa, extend my condolence to Mrs. Meena Jamdar, Hon'ble Shri Justice Nitin Jamdar and all the Members of Jamdar Family. We are with them in their hour of grief.

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ADDRESS BY DR.MILIND SATHE, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY, 19 NOVEMBER, 2014.

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Ladies and Gentlemen

We assemble here this morning to condole the sad demise of Late Justice Madhukar Shankar Jamdar who passed away on 3 October, 2014 at Mumbai at the age of 89. Four days back on 14 November he would have turned 90, but that was not to be.

Late Justice M. S. Jamdar was born on 14 November, 1924 at Solapur in a lawyers family. His father was a well established and renowned lawyer at Solapur. After completing his education at New High School Solapur, Graduation at D.A.V. College Solapur, he passed out Law from Indian Law Society's Law College at Pune.

Immediately thereafter he enrolled as a pleader on 10 March, 1947 and then as Advocate on 15 June, 1962.

Late Justice M. S. Jamdar then practiced on Civil, Criminal and Labour sides as well as on Original and Appellate Side of the Bombay High Court.

He was appointed as Assistant Judge from the Bar on 1 February, 1967 for a short duration till 24 November, 1967.

Thereafter he was appointed as District Judge on 24 November, 1969, Joint District Judge at Nasik, District Judge at Alibaug, Sangli and Thane.

In between he did a stint as Judge of Bombay City Civil Court at Bombay between 24 June, 1974 and 3 September, 1976.

Justice M. S. Jamdar was appointed as Judge of this Hon'ble Court on 12 January, 1979 as Additional Judge, Permanent Judge on 9 January, 1981. He retired on 14 November, 1986.

His youngest son was our colleague for long time and now he is with us as a Judge of this Hon'ble Court.

Justice M. S. Jamdar was meticulous, industrious and stickler for discipline. Despite being very soft spoken and gentle he could be stern whenever necessary. I remember, when he sat on Original Side assignment taking up suits in Court Room No. 37, there was a mini turmoil. Juniors who were briefed to get directions in the suits for a brief with marked docket of 5 Gms. would have to only stand up and say long cause, short cause or commercial cause and rest would be done by the Court Associate to note timelines for filing Written Statement and Discovery and Inspection. Justice M. S. Jamdar would not let that happen and ask a junior what the suit was about why it was long cause, short cause etc. and most Juniors had not even read the brief. An important lesson was taught, which was though so obvious, not to enter the court without knowing the brief.

Justice M. S. Jamdar was a very soft-spoken, gentle and a fatherly figure in Court and would make everybody comfortable in Court.

One of the important judgment he had written was acquittal of George Fernandes. He was booked under the Bombay Police Act for holding rallies without permission. Justice Jamdar confirmed the acquittal referring to fundamental right of assembling peacefully without arms. Justice M. S. Jamdar has

authored several Judgments in Labour and Industrial Law, Criminal Law and Field of Education and Law reports bear testimony to his prowess at writing judgements on varied subjects.

After retirement Justice Jamdar committed himself to Social Work as well as working as Arbitrator and presiding over Lok Adalats. The Bombay High Court felicitated him for completing 100 Lok Adalats.

Justice M. S. Jamdar lived life to the fullest and enjoyed it even after post retirement. I am told he did some remarkable feat which all of us would look at with awe. He did parasailing in Thailand at the age of 84. That was his spirit of life and message of life.

The death of Justice M. S. Jamdar is a great loss to all of us and members of Jamdar family. On behalf of members of Bombay Bar Association and myself I express my heartfelt condolences to the bereaved family and pray almighty to give them courage and strength to bear the loss.

...

ADDRESS BY SHRI RAJIV CHAVAN, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY, 19 NOVEMBER, 2014.

My Lord the Chief Justice Mr. Justice Mohit Shah

My Lord Mr. Justice Nitin Jamdar

Mr. Vitthal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

Members of late Justice Jamdar's family

Advocates

Ladies and Gentlemen

Mr. Justice Madhukar Shankar Jamdar passed away on 3 October, 2014 at Mumbai and we are here today to mourn his sad demise.

Justice Jamdar did his schooling in Solapur and University education in Pune, after which he completed his Law studies from ILS's Law College at Pune. He started practice as an Advocate in Solapur with his father Mr. Shankar Neelkanth Jamdar in criminal and labour courts. His father was a freedom fighter and was a District Government Pleader till he retired. Justice Jamdar

married Smt. Meenatai. It was a love marriage, which was performed in a temple. Justice Jamdar was the first Principal of DAV's Law College in Solapur. He was an excellent cricket player and batting was his forte.

In 1967, Justice Jamdar was directly appointed as an Assistant Judge, after which he became the Joint District Judge. He went on to become the City Civil & Sessions Court Judge in Mumbai and then the Selection Grade & Inspecting District Judge. After a career spanning 12 years in the State's judiciary on 12 January, 1979, he was appointed as an Additional Judge of this High Court and on 9 January 1981, he became a permanent Judge of this Court. Justice Jamdar retired in November, 1986.

Justice Madhukar Shankar Jamdar was known to be fair in his treatment towards Advocates and never showed preference to any of them. Senior Advocate Mr. Prasad Dhakephalkar recalled an incident which gives us a glimpse of the Judge he was. Justice Jamdar was in a habit of perusing the case papers whenever matters were called out and he would hold them in front of his face while doing so. Naturally, one could hardly see his face when he did this. At times, he would take more than five minutes pouring over these papers. On one occasion in a particular matter Senior Advocate Mr. Nani Palkhiwala was appearing for the petitioner and the matter was called out. Mr. Palkhiwala stood up ready to present his case. Justice Jamdar, who casually looked at him, picked up the papers and continued to pour over them. He

took all of five minutes while Mr. Palkhiwala continued to stand all the while. Once he was done with the reading he looked at Mr. Palkhiwala and called upon him to begin his arguments. Need I mention who Mr. Palkhiwala was? Such little anecdotes in a court room give us a glimpse of how Justice Jamdar perceived everyone as equals in his court room.

A senior criminal lawyer Mr. Shirish Gupte likewise recalls Justice Jamdar as a kind-hearted and soft-spoken judge. Mr. Gupte, who conducted his career's first trial before Justice Jamdar, acknowledges that his knowledge of criminal law was extraordinary and that his first principles of criminal jurisprudence were very strong. He always encouraged junior lawyers and often quoted judgments in the course of arguments. Another senior lawyer – Mr. P.M. Pradhan had an anecdote he recalled. After retirement, Justice Jamdar took over as the Chairman of CGIT. One day Advocate Pradhan went to the CGIT to conduct a matter. The lift in the building was not functional. Even so Advocate Pradhan kept waiting. In the meanwhile, Justice Jamdar reached CGIT and saw Mr. Pradhan waiting for the lift. After realizing that the lift was not functional, Justice Jamdar suggested that they take the stairs. Mr. Pradhan informed him that he had suffered a heart attack, hence he couldn't walk up the stairs. 'Oh!', in that case said Justice Jamdar, "Mr. Pradhan you needn't come up. Send your client and I will give him a date in your matter". This was the sensitive and humane side of the Judge.

Justice Jamdar presided over many Lok Adalat sittings conducted in this High Court. For a number of years he would come all the way from Solapur to attend the Lok Adalats. A senior-most Judge of this Hon'ble Court once requested Justice Jamdar to discontinue his Lok Adalat work due to his advanced age, ill-health and travel distance. Advocate R.M. Nakhawa, who regularly participated in Lok Adalat work, heard Justice Jamdar's reply to this suggestion. Justice Jamdar said, "I will work till I am alive and please don't refrain me from doing Lok Adalat work". Some times Justice Jamdar would request Advocate Nakhawa to hold him by his hand and walk him to his car as he was feeble and unable to walk. But, despite his advanced age and ill-health, Justice Jamdar kept his commitment to serve the common man by continuing his Lok Adalat work.

A fair, kind-hearted, soft-spoken, humane, sensitive and dedicated Judge is no more. My Lord, on behalf of the Advocates' Association of Western India, I fully associate with the sentiments that have been expressed here by Your Lordship as well as my colleagues at the Bar and I pay my humble respect on behalf of the Association to the departed soul and offer condolences to the bereaved family.

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ADDRESS BY HON'BLE CHIEF JUSTICE SHRI MOHIT S. SHAH,
HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FIRST
COURT REFERENCE TO LATE SHRI JUSTICE MADHUKAR
SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON
WEDNESDAY, 19 NOVEMBER, 2014.

My esteemed colleague Brother Justice Nitin Jamdar

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Senior Advocates

Advocates

Members of the bereaved family

Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late **Shri Justice Madhukar Shankar Jamdar**, former Judge of this Court, who left for his heavenly abode on 3 October, 2014, at the age of 90 years.

Born on 14 November, 1924, Justice Jamdar completed his school education from New High School, Solapur and college education from D.A.V. College, Solapur; S.P. College, Pune; and obtained Law Degree from Indian Law Society's Law College, Pune.

Justice M.S.Jamdar was from family of lawyers. His father S.N.Jamdar was a leading lawyer and was District Government Pleader at Solapur. His maternal grandfather was also a leading civil lawyer in Solapur. Shri S.N.Jamdar, father of Justice M.S.Jamdar, was actively involved in the freedom struggle and was also incarcerated during the freedom movement. Mother of Justice M.S.Jamdar was actively involved in social work. Both the parents of Justice M.S.Jamdar established various educational and charitable institutions in Solapur.

Justice Jamdar's brother was a fighter pilot in the Indian Air Force and was killed on the Pakistan border when his fighter jet crashed at Udhampur, Jammu in the year 1962.

Justice M.S. Jamdar enrolled as a Pleader in 1947. He was a leading lawyer in Solapur. He practised on Civil, Criminal

and Labour Sides, Appellate as well as Original in all Courts in Solapur District, Labour Courts in Pune & Mumbai and Industrial Court, Mumbai. He appeared for various cotton mills in Solapur. He acted as a Liquidator for a famous Cotton Mill at Solapur. This work was intricate and spanned over several years.

On academic side, he taught with dedication as part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. He was instrumental in founding the Dayanand Evening Law College at Solapur in the year 1964 where he was part-time Principal from 1964 to 1967. He was also a Member of Academic Council, Senate and Law Faculty of Shivaji University from 1964 to 1967. He was interested in sports and represented the College in cricket.

Justice Jamdar joined the judicial service as Assistant Judge at Pune directly from the Bar on 1 February 1967. He was appointed as District Judge on 24 November 1969 and promoted as Selection Grade District Judge and Inspecting Judge, Thane, on 9 September 1976.

In recognition of his sincere and dedication in judicial service, Justice M.S.Jamdar was elevated to the Bench of the Bombay High Court on 12 January 1979.

Justice Jamdar adorned the Bench of this High Court for almost eight years i.e. from 12 January 1979 to 14 November 1986.

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He is survived by wife Meena and four sons - Atul, Milind, Sunil - all Engineers, and the youngest being Justice Nitin Jamdar, who is with us on the Bench today; four daughters-in-law and six grandchildren.

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Justice M. S. Jamdar lived life to the fullest and enjoyed it even after post retirement. I am told he did some remarkable feat which all of us would look at with awe. He did parasailing in Thailand at the age of 84. That was his spirit of life and message of life.

The death of Justice M. S. Jamdar is a great loss to all of us and members of Jamdar family. On behalf of members of Bombay Bar Association and myself I express my heartfelt condolences to the bereaved family and pray almighty to give them courage and strength to bear the loss.

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ADDRESS BY SHRI RAJIV CHAVAN, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY, 19 NOVEMBER, 2014.

My Lord the Chief Justice Mr. Justice Mohit Shah

My Lord Mr. Justice Nitin Jamdar

Mr. Vitthal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

Members of late Justice Jamdar's family

Advocates

Ladies and Gentlemen

Mr. Justice Madhukar Shankar Jamdar passed away on 3 October, 2014 at Mumbai and we are here today to mourn his sad demise.

Justice Jamdar did his schooling in Solapur and University education in Pune, after which he completed his Law studies from ILS's Law College at Pune. He started practice as an Advocate in Solapur with his father Mr. Shankar Neelkanth Jamdar in criminal and labour courts. His father was a freedom fighter and was a District Government Pleader till he retired. Justice Jamdar

married Smt. Meenatai. It was a love marriage, which was performed in a temple. Justice Jamdar was the first Principal of DAV's Law College in Solapur. He was an excellent cricket player and batting was his forte.

In 1967, Justice Jamdar was directly appointed as an Assistant Judge, after which he became the Joint District Judge. He went on to become the City Civil & Sessions Court Judge in Mumbai and then the Selection Grade & Inspecting District Judge. After a career spanning 12 years in the State's judiciary on 12 January, 1979, he was appointed as an Additional Judge of this High Court and on 9 January 1981, he became a permanent Judge of this Court. Justice Jamdar retired in November, 1986.

Justice Madhukar Shankar Jamdar was known to be fair in his treatment towards Advocates and never showed preference to any of them. Senior Advocate Mr. Prasad Dhakephalkar recalled an incident which gives us a glimpse of the Judge he was. Justice Jamdar was in a habit of perusing the case papers whenever matters were called out and he would hold them in front of his face while doing so. Naturally, one could hardly see his face when he did this. At times, he would take more than five minutes pouring over these papers. On one occasion in a particular matter Senior Advocate Mr. Nani Palkhiwala was appearing for the petitioner and the matter was called out. Mr. Palkhiwala stood up ready to present his case. Justice Jamdar, who casually looked at him, picked up the papers and continued to pour over them. He

took all of five minutes while Mr. Palkhiwala continued to stand all the while. Once he was done with the reading he looked at Mr. Palkhiwala and called upon him to begin his arguments. Need I mention who Mr. Palkhiwala was? Such little anecdotes in a court room give us a glimpse of how Justice Jamdar perceived everyone as equals in his court room.

A senior criminal lawyer Mr. Shirish Gupte likewise recalls Justice Jamdar as a kind-hearted and soft-spoken judge. Mr. Gupte, who conducted his career's first trial before Justice Jamdar, acknowledges that his knowledge of criminal law was extraordinary and that his first principles of criminal jurisprudence were very strong. He always encouraged junior lawyers and often quoted judgments in the course of arguments. Another senior lawyer – Mr. P.M. Pradhan had an anecdote he recalled. After retirement, Justice Jamdar took over as the Chairman of CGIT. One day Advocate Pradhan went to the CGIT to conduct a matter. The lift in the building was not functional. Even so Advocate Pradhan kept waiting. In the meanwhile, Justice Jamdar reached CGIT and saw Mr. Pradhan waiting for the lift. After realizing that the lift was not functional, Justice Jamdar suggested that they take the stairs. Mr. Pradhan informed him that he had suffered a heart attack, hence he couldn't walk up the stairs. 'Oh!', in that case said Justice Jamdar, "Mr. Pradhan you needn't come up. Send your client and I will give him a date in your matter". This was the sensitive and humane side of the Judge.

Justice Jamdar presided over many Lok Adalat sittings conducted in this High Court. For a number of years he would come all the way from Solapur to attend the Lok Adalats. A senior-most Judge of this Hon'ble Court once requested Justice Jamdar to discontinue his Lok Adalat work due to his advanced age, ill-health and travel distance. Advocate R.M. Nakhawa, who regularly participated in Lok Adalat work, heard Justice Jamdar's reply to this suggestion. Justice Jamdar said, "I will work till I am alive and please don't refrain me from doing Lok Adalat work". Some times Justice Jamdar would request Advocate Nakhawa to hold him by his hand and walk him to his car as he was feeble and unable to walk. But, despite his advanced age and ill-health, Justice Jamdar kept his commitment to serve the common man by continuing his Lok Adalat work.

A fair, kind-hearted, soft-spoken, humane, sensitive and dedicated Judge is no more. My Lord, on behalf of the Advocates' Association of Western India, I fully associate with the sentiments that have been expressed here by Your Lordship as well as my colleagues at the Bar and I pay my humble respect on behalf of the Association to the departed soul and offer condolences to the bereaved family.

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ADDRESS BY HON'BLE CHIEF JUSTICE SHRI MOHIT S. SHAH,
HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FIRST
COURT REFERENCE TO LATE SHRI JUSTICE MADHUKAR
SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON
WEDNESDAY, 19 NOVEMBER, 2014.

My esteemed colleague Brother Justice Nitin Jamdar

Mr. Anil Singh, Additional Solicitor General of India

Mr. Vithal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

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

Senior Advocates

Advocates

Members of the bereaved family

Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late **Shri Justice Madhukar Shankar Jamdar**, former Judge of this Court, who left for his heavenly abode on 3 October, 2014, at the age of 90 years.

Born on 14 November, 1924, Justice Jamdar completed his school education from New High School, Solapur and college education from D.A.V. College, Solapur; S.P. College, Pune; and obtained Law Degree from Indian Law Society's Law College, Pune.

Justice M.S.Jamdar was from family of lawyers. His father S.N.Jamdar was a leading lawyer and was District Government Pleader at Solapur. His maternal grandfather was also a leading civil lawyer in Solapur. Shri S.N.Jamdar, father of Justice M.S.Jamdar, was actively involved in the freedom struggle and was also incarcerated during the freedom movement. Mother of Justice M.S.Jamdar was actively involved in social work. Both the parents of Justice M.S.Jamdar established various educational and charitable institutions in Solapur.

Justice Jamdar's brother was a fighter pilot in the Indian Air Force and was killed on the Pakistan border when his fighter jet crashed at Udampur, Jammu in the year 1962.

Justice M.S. Jamdar enrolled as a Pleader in 1947. He was a leading lawyer in Solapur. He practised on Civil, Criminal

and Labour Sides, Appellate as well as Original in all Courts in Solapur District, Labour Courts in Pune & Mumbai and Industrial Court, Mumbai. He appeared for various cotton mills in Solapur. He acted as a Liquidator for a famous Cotton Mill at Solapur. This work was intricate and spanned over several years.

On academic side, he taught with dedication as part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. He was instrumental in founding the Dayanand Evening Law College at Solapur in the year 1964 where he was part-time Principal from 1964 to 1967. He was also a Member of Academic Council, Senate and Law Faculty of Shivaji University from 1964 to 1967. He was interested in sports and represented the College in cricket.

Justice Jamdar joined the judicial service as Assistant Judge at Pune directly from the Bar on 1 February 1967. He was appointed as District Judge on 24 November 1969 and promoted as Selection Grade District Judge and Inspecting Judge, Thane, on 9 September 1976.

In recognition of his sincere and dedication in judicial service, Justice M.S.Jamdar was elevated to the Bench of the Bombay High Court on 12 January 1979.

Justice Jamdar adorned the Bench of this High Court for almost eight years i.e. from 12 January 1979 to 14 November 1986.

For almost eight years, Justice Jamdar dealt with each case with absolute receptivity which every citizen expects from a Judge. During his tenure as a Judge of the Bombay High Court, he dealt with a large number of important cases as reported in various law journals. I have seen the judgments delivered by Justice M.S.Jamdar. The cases decided by him pertain to almost all branches of law i.e. criminal, civil and laws relating to local authorities. Justice Jamdar's learning, legal acumen and pragmatism were reflected in his judgments on the Arbitration Act, Negotiable Instruments Act, F.C. (Regulation) Act and other commercial laws. Justice Madhukar Jamdar also zealously guarded personal liberty of citizens against leviathan State by striking down unconstitutional orders prohibiting holding of public meetings, such as in the case of State of Maharashtra vs. George Fernandez decided in the year 1985. Justice Madhukar Jamdar was also party to several Full Benches, such as presided over by Justice B. Lentin in the matter relating to prescribing reservations in public employment. His insight of the constitutional law and principles of administrative law was also evident in his judgments in cases relating to universities. The judgments written in simple language reflect deep insight into law, rich experience and outstanding discharge of his judicial work.

Justice Jamdar was indefatigable inasmuch as after demitting office, he remained energetic and continued to devote his time, energies and rich experience by conducting various arbitrations.

He presided over various Lok Adalats and was felicitated by the High Court for conducting 100 Lok Adalats.

Even after retirement, Justice Jamdar, who was fond of travelling, never lost his zest for life. He travelled extensively to various countries till the age of 85 years. He even did para-sailing in Thailand at the age of 84.

The measure of a man like Justice Madhukar Shankar Jamdar is not to be seen merely in his personal achievements, but also in the values and traditions that he passes on to the succeeding generations.

He is survived by wife Meena and four sons - Atul, Milind, Sunil - all Engineers, and the youngest being Justice Nitin Jamdar, who is with us on the Bench today; four daughters-in-law and six grandchildren.

In passing away of Justice Jamdar, we have lost a friend, an eminent Judge, a guide and above all, a good human being. In this hour of grief, on behalf of all of us, I convey my heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss and overcome the grief.

May the departed soul rest in eternal peace !

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**ADDRESS BY SHRI ANIL SINGH, ADDITIONAL SOLICITOR
GENERAL OF INDIA, AT THE FIRST COURT REFERENCE TO
LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER
JUDGE OF THIS HIGH COURT, ON WEDNESDAY,
19 NOVEMBER, 2014.**

My Lord the Honourable Chief Justice

Honourable Shri Justice Nitin Jamdar

Shri Vitthal Konde-Deshmukh,
Former Chairman, Bar Council of Maharashtra & Goa

Dr. Milind Sathe, President of Bombay Bar Association

Shri Rajiv Chavan, President,
Advocates' Association of Western India

Members of the Bar

Justice Madhukar Shankar Jamdar started his career as a Pleader in Year 1947 and thereafter having worked as Assistant Judge and District Judge was ultimately elevated as Additional Judge of Bombay High Court in 1979, was appointed as permanent Judge in 1981 and retired in year 1986.

His Judgments echo His Lordship's deep knowledge of Law and mature understanding of human values. Throughout his career as a Judge, he displayed a quick grasp and keen intellect coupled with polished manner and courtesy. He enjoyed the respect of all and was known not just a great Judge but even a great human being.

During his tenure as a Judge of Bombay High Court, he was party to landmark judgments on various subjects of law including Arbitration Act, Bombay Municipal Corporation Act, Code of Civil Procedure, 1908 and Criminal Procedure Code, 1973.

His Lordship's Judgment in the matter of State of Maharashtra V/s. George Fernandes & Ors., Reported in 1985 (1) Bom.C.R. 696, wherein His Lordship has held the basic difference between "Advertisement" and "news item" published in news paper and further held that public order and public peace or public safety are synonymous. Further His Lordship's Judgment in the matter of Lotu Pandu Sonawane V/s. Kundalik Nimba Koli, reported in 1985 (2) Bom.C.R. Pg.298, interpreted the words "an appropriate case", as referred in Section 22 of the Specific Relief Act. While interpreting section 527 of the Bombay Municipal Act in the matter of Shadu Vitthal Joshi V/s. Municipal Corporation & Anr., His Lordship has held that notice to Deputy Municipal Commissioner and not to Corporation u/s. 527 of the said Act could not be treated as valid notice u/s. 527.

His death is an immense loss to the legal fraternity and I convey my heartfelt condolence to the members of his family. May the almighty give them strength to bear the great loss. May the departed soul rest in eternal peace.

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**ADDRESS BY SHRI V.B. KONDE-DESHMUKH, FORMER
CHAIRMAN OF BAR COUNCIL OF MAHARASHTRA & GOA, AT
THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR
SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON
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My Lord the Honourable Chief Justice Shri Mohit S. Shah

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Shri Anil Singh, Additional Solicitor General of India

Dr. Milind Sathe, President of Bombay Bar Association

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Members of the Bar

Ladies and Gentlemen

We have assembled here this morning to mourn the sad demise of late Shri Madhukar Shankar Jamdar, Former Judge of this High Court, who left for his heavenly abode on 3 October, 2014 at Mumbai.

I, on behalf of the Bar Council of Maharashtra and Goa, endorse the sentiments expressed by My Lord Chief Justice and learned Additional Solicitor General of India.

Late Justice Madhukar Shankar Jamdar was born on 14 November, 1924. He was enrolled as a Pleader on 10 March, 1947. He started his practice at Solapur on 15 June, 1962 on Civil, Criminal and Labour Side in all the Courts in Solapur District and Labour Court, Pune and Industrial Court, Bombay. He also worked in Appellate and Original Side of this Court.

Justice Jamdar was appointed as Assistant Judge on 1 February, 1967 and was promoted as District Judge on 24 November, 1969 and also he was appointed as Selection Grade District Judge and Inspecting Judge, Thane on 9 September, 1976. Justice Jamdar was part-time Professor of Mercantile Law in D.V. College of Commerce from 1954 to 1964. Justice Jamdar has also worked part-time Principal, Dayanand Law College, Solapur. Justice Jamdar was appointed as Additional Judge of Bombay High Court from 12 January, 1979. He was appointed as permanent Judge on 9 January, 1981 and retired on 14 November, 1986.

Though I had no occasion to appear before Justice Jamdar but as I was told by the Senior Advocates of this Bar, Justice Jamdar had great depth of law and quick grasp of the facts and great desire to do justice. No one ever suffered in Justice Jamdar's Court.

Justice Jamdar handled each and every legal problem with his wide outlook and deep insight. Justice Jamdar had vast experience of law and social system of human approach to solve

many legal problems. Justice Jamdar was tough on his principles and integrity which was non- negotiable.

During his tenure as a Judge of Bombay High Court he dealt with large number of cases. Justice Jamdar always gave courteous treatment to all the Advocates. He always showed readiness and desire to know the Advocates' point of view during the arguments.

During his tenure as a Judge of this Court, Justice Jamdar has rendered many landmark and thought provoking judgments.

After retirement, Justice Jamdar acted as an Arbitrator in many important disputes. Justice Jamdar loved Cricket and Literature.

May I, on behalf of the Bar Council of Maharashtra and Goa, extend my condolence to Mrs. Meena Jamdar, Hon'ble Shri Justice Nitin Jamdar and all the Members of Jamdar Family. We are with them in their hour of grief.

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ADDRESS BY DR.MILIND SATHE, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE FIRST COURT REFERENCE TO LATE SHRI MADHUKAR SHANKAR JAMDAR, FORMER JUDGE OF THIS HIGH COURT, ON WEDNESDAY,19 NOVEMBER, 2014.

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Ladies and Gentlemen

We assemble here this morning to condole the sad demise of Late Justice Madhukar Shankar Jamdar who passed away on 3 October, 2014 at Mumbai at the age of 89. Four days back on 14 November he would have turned 90, but that was not to be.

Late Justice M. S. Jamdar was born on 14 November, 1924 at Solapur in a lawyers family. His father was a well established and renowned lawyer at Solapur. After completing his education at New High School Solapur, Graduation at D.A.V. College Solapur, he passed out Law from Indian Law Society's Law College at Pune.

Immediately thereafter he enrolled as a pleader on 10 March, 1947 and then as Advocate on 15 June, 1962.

Late Justice M. S. Jamdar then practiced on Civil, Criminal and Labour sides as well as on Original and Appellate Side of the Bombay High Court.

He was appointed as Assistant Judge from the Bar on 1 February, 1967 for a short duration till 24 November, 1967.

Thereafter he was appointed as District Judge on 24 November, 1969, Joint District Judge at Nasik, District Judge at Alibaug, Sangli and Thane.

In between he did a stint as Judge of Bombay City Civil Court at Bombay between 24 June, 1974 and 3 September, 1976.

Justice M. S. Jamdar was appointed as Judge of this Hon'ble Court on 12 January, 1979 as Additional Judge, Permanent Judge on 9 January, 1981. He retired on 14 November, 1986.

His youngest son was our colleague for long time and now he is with us as a Judge of this Hon'ble Court.

Justice M. S. Jamdar was meticulous, industrious and stickler for discipline. Despite being very soft spoken and gentle he could be stern whenever necessary. I remember, when he sat on Original Side assignment taking up suits in Court Room No. 37, there was a mini turmoil. Juniors who were briefed to get directions in the suits for a brief with marked docket of 5 Gms. would have to only stand up and say long cause, short cause or commercial cause and rest would be done by the Court Associate to note timelines for filing Written Statement and Discovery and Inspection. Justice M. S. Jamdar would not let that happen and ask a junior what the suit was about why it was long cause, short cause etc. and most Juniors had not even read the brief. An important lesson was taught, which was though so obvious, not to enter the court without knowing the brief.

Justice M. S. Jamdar was a very soft-spoken, gentle and a fatherly figure in Court and would make everybody comfortable in Court.

One of the important judgment he had written was acquittal of George Fernandes. He was booked under the Bombay Police Act for holding rallies without permission. Justice Jamdar confirmed the acquittal referring to fundamental right of assembling peacefully without arms. Justice M. S. Jamdar has

authored several Judgments in Labour and Industrial Law, Criminal Law and Field of Education and Law reports bear testimony to his prowess at writing judgements on varied subjects.

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