

REFERENCE MADE BY THE HON'BLE SHRI. K. MADHAVA REDDY, CHIEF JUSTICE, TO THE LATE SHRI. M. P. KANADE, EX-JUDGE, BOMBAY HIGH COURT, ON 18TH JUNE 1985.

Mr. R. S. More, Government Pleader, Mr. K. K. Singhvi, on behalf of Bombay Bar Association, Mr. S. B. Naik, President, Western India Advocates Association and members of the Bar :

My colleagues and I learnt with deep shock and profound sorrow the news of the untimely demise of Shri. Justice Kanade. Enrolled as a pleader in January 1951 and as an Advocate in the year 1953 in the former Hyderabad State, he practised especially on the Appellate Side of the High Court and handled both civil and criminal cases. On the re-organization of States in 1956 he shifted to Bombay and held his own in this highly competitive profession. He had academic interest and was Professor of Law at the New Law College, Bombay, from 1964 to 1967. Appointed Assistant Government Pleader, High Court at Bombay in 1967 he continued as such till 1970 till he was included on the Maharashtra Government Panel as Senior Advocate. On 19th September 1977 he was appointed an Additional Judge of the Bombay High Court and was made a permanent Judge in April 1978. When he retired in October 1983, he won the affection and respect of the members of the Bar and Bench alike. His vast experience as an Advocate and as a Professor of Law was not to be wasted on his retirement. Very soon he was appointed as the Vice-Chancellor of the Marathwada University at Aurangabad, where he was known for his administration. He distinguished himself as a disciplinarian. He was yet to complete his first term of office as Vice-Chancellor, when the cruel hand of death snatched him away on 16th June 1985 after a massive heart attack. Very recently, on 27th May 1985 I, as Acting Governor and Chancellor, had occasion to discuss with him problems concerning the Universities at the meeting of the Joint Board of Vice-Chancellors of which he was the Secretary. Little could any one visualise that his end was so near.

I had known Shri. Kanade ever since he joined the Hyderabad Bar. He was an upcoming lawyer with qualities of leadership. Even as a student leaning towards socialism, he took part in the freedom movement. He was an active participant in the struggle for integration of Hyderabad with the Indian Union during 1947-48. He had especially endeared himself to the members of the Bar hailing from the Marathwada region of the State of Maharashtra and was one of the first Judges who sat on the Aurangabad Bench of the Bombay High Court.

My colleagues and I convey our deep sorrow and heartfelt condolences to the members of the bereaved family and pray his soul may rest in peace.

18th June 1985.

Chief Justice.

(Two minutes' silence)

Mr. R. S. More, Government Pleader (on behalf of the Advocate – General and himself)

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18th June 1985

I associate myself as well as on behalf of the learned Advocate General, who has specially gone to Aurangabad to participate in special Reference in High Court Bench there, with the rich tributes paid by my Lord, the Honourable Chief Justice, to the memory of late Shri. M. P. Kanade.

The sad and sudden demise of late Justice Kanade was a great shock to the legal fraternity.

Late Justice M. P. Kanade had a varied and rich experience as a social worker, freedom fighter. He was several years at the Bar, coupled with judicial experience. He led a successful years of his life.

He was born and brought in Paithan Taluka, a surrounding known as 'Land of Saints'. He graduated from Osmana University in Arts and Law and started his practice at Hyderabad in the year 1951.

During the early years of his life, he actively participated in Freedom movement and was also jailed. He took part in Hyderabad Liberation Movement as well as in the Movement against Police Action of Nizam of Hyderabad. He was initially an active member of Socialist Party when there was a split in the said party, he left active politics.

He came over to Bombay and started practice on Appellate Side in the year 1957 after reorganisation of the State and soon acquired largest and lucrative practice. In 1967, he was appointed as Assistant Government Pleader and he conducted himself quite well and his services were appreciated in many important cases. He became a Judge of this Honourable Court in 1977. He was also a Vice-President of the Western India Advocates Association, for over two years.

As a Judge, he had always been kind and encouraged junior members of the Bar. He was a meticulous, painstaking Judge with a keen desire to do justice. He possessed profound knowledge of law, and quick grasp of the matter. With these nice qualities he discharged his duties to the satisfaction of all. During his judicial career, he sat on Appellate Side for number of years and I can say with pride, that members were happy and eager to work out their matters in his Court; as he had been kind and patient. Personalities never weighed with him. At the same time he never possessed preconceived notions and views. His legal accumen and judicial abilities were exemplary. Being rich with social, political philosophy and experience, he was never mercenary in his approach and was very humane and quite alive to the miseries and sufferings of large number of agriculturist and workmen. He all along cherished his sense of duty and work.

He has been strongest supporter for the establishment of the permanent Bench at Aurangabad. For this cause he incurred a displeasure of a section of Bar in that behalf, but on account of this there was absolutely no discriminatory treatment shown by him to any section of Bar. His long cherished dream came true with the establishment of permanent Bench at Aurangabad. When he sat in the said Bench, at times he was caustic and harsh to the members of Bar, but that was on account of his innate desire and zeal raise the standard and develop the said Bar on a strong footing. He often guided them in all respects quite ably. As a token of the love and affection and his great efforts to develop the Bar, his portrait was unveiled in Court Hall during the celebration for establishment of permanent Bench at Aurangabad.

Soon after his retirement, he was called upon to shoulder the responsibility of Vice-Chancellor of Aurangabad University. He had ably conducted the said office and was about to achieve good results, destiny has taken him away from our midst.

With the establishment of permanent Bench at Aurangabad and appointment as Vice-Chancellor of Aurangabad University, process of emotional integration of Marathwada region, with Maharashtra was complete. The Chief Minister Shri. Shivajirao Patil – Nilangekar, has paid rich and glowing tributes on behalf of the State Cabinet and citizens of Maharashtra.

In his death, Bar has lost a valued friend, a devoted Judge, who possessed all throughout his life a high sense of justice. The State has lost a freedom fighter and eminent jurist and educationalist.

May we pray to All Mighty God that his soul may rest in peace.

Mr. K. K. Singhvi
on behalf of the Bombay Bar Association.
18-6-1985

My Lord the Chief Justice :

On behalf of the Bombay Bar Association I wholeheartedly associate with whatever fell from my Lord the Chief Justice and whatever has been said by the learned Government Pleader.

Justice Kanade was known to me the day he joined the Bombay Bar after the reorganization. We had very good cordial relations at the Bar and also good family relations. Mrs. Kanade was schooling with my wife and Justice Kanade's son is almost of the same age as my son and therefore we had very good cordial relations in the family as well as at the Bar. Justice Kanade was also very close to me for the fact that he came here and was known as a freedom fighter and I had a weakness for all those who have been freedom fighters. When he was Assistant Government Pleader, on many occasions I had to oppose him, but I found him to be absolutely fair and he never pressed his point beyond a certain limit. When he became a Judge, we all knew that it was one of the best appointments and that proved to be right. He sat on the Criminal Bench, he sat on the Constitutional Bench and he sat for civil matters and I had occasion to appear before him in several matters. I found him upto date, I found him to be very humane and I found him to be on the receiving point in the sense that whenever he thought that a certain point was not very clear to him, he would wait and he would give one day's time to the counsel and the next day he would come prepared. He earnestly worked and made sincere efforts for the establishment of the Aurangabad Bench. Actually, he fought for it and he said that he would not mind even fighting in the street if it came to it, because he earnestly felt that justice should reach to the doors of the people of Marathwada, and it is a tribute to his earnest efforts and his sincere work that his portrait adorns one of the Court Rooms at Aurangabad. I often visited Aurangabad and I do not remember a single occasion when I did not ring him up and did not talk to him. I found that even when he was the Vice-Chancellor he took keen interest in the High Court and the members of the Bar on the Appellate side here at Bombay. He always asked me about their welfare. When day-before-yesterday I came to know that Justice Kanade had passed away I

thought it was a loss to the Appellate Side advocates in Bombay and a personal loss to me. My Lord, I fully associate with all that has been stated and our sympathies go to the bereaved family. May his soul rest in peace.

Mr. S. B. Naik,
President, Western India Advocates' Association.
18-06-1985.

My Lord,

On behalf of the Advocates' Association of Western India I associate with the sentiments expressed by Your Lordship and my learned friends about the sad death of Shri. M. P. Kanade.

The members of an association learnt the sad news of his passing away with profound shock.

Mr. Kanade was born in a family of agriculturist with limited means. But Mr. Kanade completed his education on his own from the Osmania University. During his student days Mrs. Kanade was a good gymnast and a wrestler of repute. He participated in student movement and was the President of Students Union. He was detained during 1942 movement and latter on during Hyderabad Police Action. He then joined the Socialist Party and was an active member of that party till 1956.

Mr. Kanade started his legal career in the Chamber of Mr. Vrijachand Jain a leading lawyer of Hyderabad High Court. Soon thereafter he shifted to Bombay in 1956 when Marathi speaking districts of Marathwada became part of Bombay State.

Mr. Kanade acquired good work and was appointed as Asstt. Government Pleader. He appeared for the State in celebrated cases.

Mr. Kanade was elevated to the Bench of this Hon'ble Court. He was very keen that a bench of this Hon'ble Court be established at Aurangabad. On his retirement he was appointed as Vice-Chancellor of the Marathwada University. It was a job with great challenges and it was expected that during his tenure, that University would earn name in academic excellence. But cruel death snatched him away from us.

I pay my tributes to his memory and extend sympathies of our members to the members of the bereaved family.