

**ADDRESS BY HON'BLE SMT. JUSTICE V.K. TAHILRAMANI,  
ACTING CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY  
AT THE FIRST COURT REFERENCE  
TO LATE HON'BLE SHRI JUSTICE HARJIVANDAS H. KANTHARIA,  
FORMER JUDGE OF THE HIGH COURT OF JUDICATURE AT BOMBAY  
ON WEDNESDAY, 18TH APRIL 2018 AT 10.30 A.M.**

My esteemed colleague

Mr. Ashutosh A. Kumbhakoni,  
Advocate General of Maharashtra.

Mr. Anil Singh,  
Additional Solicitor General of India  
and on behalf of Bar Council of Maharashtra & Goa

Mr. Nitin Thakker, Vice President,  
Bombay Bar Association

Mr. V.A. Thorat, Senior Advocate, on behalf of Advocates' Association of Western  
India

Mr. Kaiwan Kalyaniwalla, President,  
Bombay Incorporated Law Society

Senior Advocates

Members of the bereaved family

Ladies & Gentlemen

-----

We have assembled here this morning to mourn the sad demise of late  
Shri Justice Harjivandas Hiralal Kantharia, former Judge of Bombay High Court and  
Former Lokayukta of Maharashtra, who departed for his heavenly abode on 26<sup>th</sup>  
February 2018 at Mumbai at the age of 85 years.

Shri Justice Harjivandas Hiralal Kantharia was born on 24<sup>th</sup> October  
1932 at Village Variav, District Surat, Gujarat in the family of a farmer. He had his  
education upto 4<sup>th</sup> standard in Gujarati medium at Village - Variav, and thereafter  
moved to Navsari District for completing his S.S.C. Examination and in which he  
stood first. He also stood first all throughout his school days.

In the year 1954 he came to Mumbai, secured admission in Siddharth College of Arts & Science and completed his graduation in the year 1958. Thereafter, he pursued law studies and obtained his LL.B. Degree from the Siddharth College of Law, Mumbai.

He enrolled as an Advocate with the Bar Council of Maharashtra on 10<sup>th</sup> August 1962. He mainly practiced in Civil, Criminal & Labour matters in the Bombay High Court, City Civil and Sessions Court, Small Causes Court and Courts of the Metropolitan Magistrates in Mumbai. While practicing as a lawyer in various Courts in Mumbai, he pursued further studies and secured M.A. and LL.M degrees from Mumbai University. He achieved 1<sup>st</sup> class and stood first in LL.M.

From July 1969 to January 1974, he worked as a part-time Lecturer in Mercantile Law at Siddharth College of Commerce and Economics, Mumbai. He always believed in education and imparted knowledge to every person associated with him. He extended help to every needy person irrespective of caste, creed, religion or sex. He encouraged his friends and relatives to educate themselves and to secure jobs. He was firm believer that each person should be self-independent.

Throughout his academic career, he was an earning and learning student, not only to support his education and survival in City of Mumbai, but also to extend financial support to his parents and younger siblings' education.

He started his career at very young age as a school teacher in Amoluck Amichand School at Sion where he met his life partner, his wife Mrs.Niranjana Kantharia, a school teacher, who stood as a rock besides him extending full support to him. He also worked for brief period as Clerk with Indian Railways.

In the year 1974, Justice Kantharia was appointed as Assistant District and Sessions Judge, Maharashtra. His first posting was at Parbhani District, Marathwada. The first Judgment delivered by him was in Manwath murder case.

From the year 1975 to 1977, he has functioned as Joint District and Additional Sessions Judge, Thane. He was well known for rendering justice to the poor, down-trodden, weaker section of the society and to woman. On 26<sup>th</sup> April 1977, he was appointed as District and Sessions Judge and had passed number of Judgments in criminal cases, more particularly murder and robbery. In his Court, the phrase - "Justice must not only be done but seen to be done" was always proved correct.

From 27<sup>th</sup> October 1977 till 13<sup>th</sup> July 1981, he held the office of Member of the Industrial Court, Maharashtra State at Mumbai. As Judge of the Industrial Tribunal, he always made sure no injustice was caused to any labourer.

On 14<sup>th</sup> January 1981, he was appointed as President of Industrial Tribunal and Labour Court, Maharashtra, which office he held till 27<sup>th</sup> March 1983. It was the first time in the history of Maharashtra State Industrial Tribunal that a District Judge was appointed to the post of President of Industrial Court. Prior to his trendsetting appointment, only a retired High Court Judge used to be appointed to the post of the President of State Industrial Tribunal and Labour Court. During his tenure as Member of the Industrial Tribunal, he headed a Committee constituted by the Government of Maharashtra to inquire into causes for delays in disposal of Industrial disputes and recommend remedies to curtail the same. The Committee submitted its report and recommendations known as "Kantharia Committee Report", within the prescribed time framed by the Government of Maharashtra.

Justice Kantharia was elevated as Permanent Judge in the Bombay High Court on 28<sup>th</sup> March 1983 and retired on 24<sup>th</sup> October 1994. He was well-known for his honesty and integrity. In his Court Room, senior as well as junior lawyers were treated at par. He would encourage junior lawyers to argue the matter in absence of their seniors. He was a man of strict discipline in personal as well as professional life.

On 1<sup>st</sup> August 1994, i.e. three months prior to his retirement as Judge of Bombay High Court, Justice Kantharia was appointed as Chairman of the Company Law Board by the Government of India, Ministry of Law and Justice, New Delhi.

After his retirement, he was appointed as Lokayukta of State of Maharashtra on 27<sup>th</sup> October 1994, and after serving as Lokayukta, he retired on 30<sup>th</sup> November 1998. He was in favour of separate investigating team at the disposal of Lokayukta. Justice Kantharia was a person who thought that Lokayukta institute needs more publicity. His significant contribution as Lokayukta was that he took initiative to publicize the institute in connection with which he delivered speeches inside and outside the country at public functions. He also published articles on this issue. He tried to create awareness among the citizens that Lokayukta is “LOKANCHE AYUKTA”. He never took remuneration while talking or writing on Lokayukta, because he thought that giving publicity to the institute was his duty. He expressed his expectation that Lokayukta must get more power. He explained that Lokayukta is not only for controlling corruption but also to get the public grievances ventilated.

He was selected as Chairman of the Commonwealth Countries Ombudsman Confederation and attended the International Ombudsman Symposium held on 27<sup>th</sup> October 1995 organized by the Commissioner for Administrative Complaints (COMAC), Hong Kong.

As a Judge, he was extremely conscientious in the strict performance of his judicial duties. He was also known for his robust common sense and industry with sound knowledge of law and proved himself a very capable Judge. Volumes of Law reports are replete with Justice Kantharia's landmark judgments in various branches of law, viz. constitutional matters pertaining to fundamental rights of undertrials and the rights of detenus, preventive detention matters, Labour Law, Land Laws, Indian Penal Code, Civil as well as Criminal Procedure Code and Narcotic Drugs and Psychotropic Substances Act.

Justice Kantharia was a firm follower of Justice Krishna Iyer. He was associated with various organizations such as Progressive Lawyers' Association, Vegetarian Society and many more. He had organized and participated in various conferences and seminars at State and National level. He was an excellent Orator.

Justice Kantharia was the first Judge in the Bombay High Court to pass suo moto directions to convert into Public Interest Litigation the newspaper reports narrating injustice suffered by helpless section of the society. In one case, he directed to convert into a Public Interest Litigation a simple postcard letter from a distressed widow, who was made to run from pillar to post to claim Provident Fund of her deceased husband. He was well known for his knowledge of matters relating to Constitution of India, Labour Law and Criminal Law.

In the passing away of Justice Kantharia, we have lost an eminent Judge. He is survived by his wife Mrs.Niranjana Kantharia, three sons, one daughter and grandchildren. His elder son Subhash is working as a Deputy General Manager with Union Bank of India; his younger son Ajay is a Cardiologist attached to Saifee Hospital and Harkisondas Hospital; youngest son Mr.Vijay is a lawyer practicing in the Bombay High Court, and his daughter Pournima is Government Pleader on the Original Side of this High Court. His grand-daughter Dr. Nimisha is a Surgeon practicing in various hospitals in Mumbai.

He lived a happy retired life, fully contented that all his children were well settled and was extremely happy with the progress of all his grandchildren. One cannot forget his achievements and good deeds. He was a great human being.

In this hour of grief, on my behalf and on behalf of my esteemed colleagues, and on behalf of all of you assembled here, 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 MR. ASHUTOSH KUMBHAKONI,  
ADVOCATE GENERAL OF MAHARASHTRA  
AT THE FIRST COURT REFERENCE  
TO LATE HON'BLE SHRI JUSTICE HARJIVANDAS H. KANTHARIA,  
FORMER JUDGE OF THE HIGH COURT OF JUDICATURE AT BOMBAY  
ON WEDNESDAY, 18TH APRIL 2018 AT 10.30 A.M.**

My Ladyship, Hon'ble the Acting Chief Justice,

My Lord, Hon'ble Shri Justice M.S. Sonak,

Shri Anil Singh, the Additional Solicitor General of India,

Shri Nitin Thakker, Vice President, Bombay Bar Association

Shri V.A. Thorat, Senior Advocate, on behalf of Advocates' Association of Western India

Respected office bearers of all the esteemed organizations of the legal fraternity,

My professional colleagues at the Bar

Family members of Late Hon'ble Shri Justice Harjivandas H. Kantharia.

-----

Our Bar, as also the Hon'ble Bench, has seen persons coming from a very humble background, rising to very high positions, with their extraordinary qualities. For all times to come, Late Hon'ble Shri Justice Kantharia will always be remembered as one such distinguished person. His entire personal life, and not just the professional achievements, will inspire persons like me, who have ventured to shift to this magical Metropolis Mumbai, from a District place and start law practice, in this prestigious Hon'ble High Court. It will certainly encourage young juniors to take 'Judgeship' as a career. After all, he was a role model for the Judges of the lower Judiciary.

Hon'ble Shri Justice Kantharia was born in a family of agriculturist, which probably had not even seen the premises of a Court. His father, like any father, wanted him to continue to stay with the family at his native place and be a cultivator of agricultural lands. However, he preferred to work harder in the court premises, rather than the farm and devote his life, for serving the weaker sections of the society, especially the workmen. Obviously, unlike most of us, coming from a legal background, the path that he chose was very tiring and trying. I am informed that, after shifting to Mumbai, he used to study in the University garden, till late night.

He was the first highly educated person from his family. He encouraged everybody known to him, not just his family members, to educate themselves, in any and every way they possibly could. No wonder that he was a mentor for countless graduates and post graduates. Even during his college days, he encouraged his colleagues and juniors to excel in their studies.

He was a voracious reader. Being an extraordinary orator, the list of speakers, drawn up for every legal conference or a seminar, particularly with the theme centered around issues related to the workmen, women or the weaker sections of the society, would invariably start with him.

He was a disciplined man, not only inside but also outside the court rooms, even in his personal life, informs me his daughter and my esteemed colleague, the Government Pleader Poornima Kantharia. He would always insist that all lawyers, especially the juniors, must be seen in the Court well dressed and would strictly see to it that the decorum of the Court is maintained, by everyone and at any cost.

Even in his personal life, for decades together, everyday he would go for an early morning walk for two hours, from 5.30 a.m. to 7.30 a.m. He would have his lunch at 10.00 a.m. and dinner at 10.00 p.m. He followed a very strict diet and would practice Yoga everyday in the evening. He would finish reading matters, from his Labai, everyday at home, before having the dinner. His yearly visit to a Naturopathy Centre was a must for him.

He took his discipline along with him, from this Hon'ble Court to the Office of the Lokayukta and made a sea change in the overall functioning of the Lokayukta Office. He was the first one to get the Lokayukta office fully computerized. After all, he was also a person of modern era.

He was a noble conscientious, yet a firm Judge. Though he strongly believed in Lincoln's declaration that, all men are created equal, his judgments evoke his greatest sentiment of doing justice, for the deserving poor and needy. Why I said

'deserving poor' was because, a poor could not take disadvantage of his noble approach towards them, which is demonstrated by a judgment delivered by him, in the case of *Gurunath Vital Tamase* reported in (1993) 2 LLJ 270. This was a case of an employee, accused of having committed theft of tinopal worth Re. One only.

In his overall approach he was always inclined towards the deserving employees. In case of an undeserving employee of Air India reported in 1987 (3) Bom. CR 207, he refused reinstatement observing:

*“ In our opinion the facts and circumstances obtaining in the instant case certainly do not warrant relief of reinstatement. Indeed, reinstating a member of the crew of Air India against whom there were very good, reasonable and justifiable grounds to believe that he was indulging in smuggling activities on an international scale will be outrageous to judicial conscience. We are more than convinced that the second petitioner did not deserve reinstatement.”*

In the judgment delivered by him, which is reported in 1988 Mah. LJ 1172, he held that the employees of the Nationalized Banks are public servants within the meaning of Section 21(12)(b) of the Indian Penal Code and the Section 5(1)(d) of the Prevention of Corruption Act applied to them.

He was considered a very strict Judge, with regard to grant of bail, especially anticipatory bail. In the case of *Rajesh Vendant* reported in 1989 Mah. LJ 304, while refusing to grant bail to an accused charged with offences relating to the Narcotics, he observed :

*“The instant case does not involve an economic offence but worse than that being an offence against humanity. Such offences adversely affect the national and international health ..... anyone who indulges in such heinous crime has to be dealt with very heavy hand if humanity is to be served.”*

However, it must be noted that he has delivered the Judgment in the case of *Sham Bhatia*, which is often relied by lawyers seeking anticipatory bail, in cases involving allegations of forgery. In this judgment it was held :

*“Again, here is a case which entirely depends upon the documents. In the matter of forgery and misappropriation and/or criminal breach of trust, in a case like this, documents will speak for themselves. There is no necessity for detaining the applicant in police custody because a man may lie but the documents will not.”*

Hon'ble Shri Justice H.H. Kantharia shall forever remain an epitome of hard work, honesty, integrity, discipline and devotion. His life demonstrates that, if one imbibes and practices these qualities, which were natural to him, then, no matter your background, whatever your difficulties, you will always succeed.

I fully join in the sentiments expressed by My Ladyship, Hon'ble the Acting Chief Justice. On behalf of the Bar, I extend our deepest condolences to the entire bereaved family of late Hon'ble Shri Justice H.H. Kantharia.

May his soul rest in peace.

-----

**ADDRESS BY MR. ANIL C. SINGH, ADDITIONAL SOLICITOR GENERAL OF  
INDIA AND ON BEHALF OF BAR COUNCIL OF MAHARASHTRA AND GOA  
AT THE FIRST COURT REFERENCE  
TO LATE HON'BLE SHRI JUSTICE HARJIVANDAS H. KANTHARIA,  
FORMER JUDGE OF THE HIGH COURT OF JUDICATURE AT BOMBAY  
ON WEDNESDAY, 18TH APRIL 2018 AT 10.30 A.M.**

Hon'ble the Acting Chief Justice, Smt. Vijaya Tahilramani,

Hon'ble Judge of this Court, Shri M.S. Sonak,

Shri Ashutosh Kumbhakoni, Advocate General of Maharashtra,

Shri Nitin Thakker, Vice President, Bombay Bar Association

Shri Vijaysinh Thorat, Senior Advocate, on behalf of Advocates' Associations of  
Western India,

Shri Kaiwan Kalyaniwalla, the President of Bombay Incorporated Law Society,

Family members of Late Hon'ble Shri Justice Harjivandas H. Kantharia.

Ladies and Gentlemen.

-----

We have assembled this morning to pay our respectful homage to the  
Late Justice Harjivandas H. Kantharia, who breathed his last on 26<sup>th</sup> February 2018.

Justice Kantharia was born in the pre-independence era in the year  
1932 in a small village in Surat District. He then moved to Bombay in 1954 and  
obtained his M.A. and Law Degree. Thereafter, in 1962 he enrolled with the Bar  
Council of Maharashtra and Goa and practiced as an Advocate in all Courts in  
Bombay. He also did his LL.M. from Bombay University in the year 1968 and  
thereafter worked as a part-time professor in Siddharth College where he was  
teaching Mercantile law.

His practice as an Advocate ceased when he took up judicial office by  
being appointed as an Assistant District and Sessions Judge, Maharashtra, sometime  
in 1974. From thereon, began a long and successful tenure for Justice Kantharia as  
part of the Judiciary. Justice Kantharia holds the distinction for being the first

President of the Industrial Tribunal who was appointed from his position of being a Member of the Industrial Tribunal. The position of President was prior thereto reserved for Retired Judges of the Bombay High Court. It was highly fitting that the unwritten rule came to be broken for such a remarkable person.

In fact, till he finally retired as a Judge of the Bombay High Court, he served in a judicial capacity for a period of almost two decades. Prior to his retirement, he was also appointed as the Chairman of the Company Law Board by the Government of India. Thereafter, he came to be appointed as Lokayukta, a position he served from 1994 till 1999.

During his tenure as a Lokayukta, he had visited almost every district of the State and had conducted hearings of many pending matters, thereby not only reducing the pendency of the cases, but also rendered justice to those poor villagers at their door steps who could not reach upto Bombay.

Justice Kantharia transformed the look of the office of Lokayukta like that of a Corporate office which was welcomed by every employee of the Lokayukta office.

Throughout his entire career and through the several judicial offices that he held, Justice Kantharia was known and respected for his forthrightness and knowledge of law. He was full of grace, sophistication and dignity. It were these qualities, amongst others, due to which he was liked and respected by the members of the Bar and the Judiciary. He was admired by Judicial Officers and Judges from the lower Judiciary who considered him as their friend, guide and philosopher. Justice Kantharia was known to be extremely kind to junior Advocates and would regularly encourage them to argue matters and commend their efforts, thus instilling a sense of confidence in the junior members of the Bar.

Justice Kantharia was also the President for a continuous period of four years of the Progressive Lawyers Association, though initially he was the Vice President, when the President was Justice P.B. Sawant, former Judge of the Supreme Court. During his entire tenure with the Progressive Lawyers Association, Justice

Kantharia endeavored to aid the poor and downtrodden. It was his firm belief that all members of the public especially the poor and downtrodden are entitled to effective legal representative. Senior Advocate Joaquim Reis informed me that Justice Kantharia was also a strong proponent of unity amongst all religions and would often be found stating that his family consisted of all religions. He was a strong proponent of such high Constitutional ideals.

Justice Kantharia led a disciplined life wherein he balanced his professional commitments with maintaining his own well-being. He used to regularly take walks and swim. Ms. Pournima Kantharia, his daughter informed me that he regularly practiced yoga. In fact, I am told that he used to practice very advanced forms of Yoga and had excellent stamina and will power to perform different Yogasanas including Shirshasana for five minutes.

Ms. Pournima Kantharia and Mr. Vijay Kantharia being two out of the four children of Justice Kantharia are practicing Advocates of this Court. Ms. Pournima Kantharia has, in fact, been a Government Pleader for the last several years. I believe they would faithfully carry forward the legacy and ideals left behind by Justice Kantharia. Justice Kantharia was a man who lived his life with honesty, integrity and complete dedication towards his work.

In his passing away, it is not only an immense loss to the members of his family and his friends for whom he was a role model, but also a loss to the Bar and the legal fraternity.

On behalf of myself and the Bar Council of Maharashtra and Goa, I express my deepest condolence for the departed soul.

-----

**ADDRESS BY MR. NITIN G. THAKKER, VICE PRESIDENT,  
BOMBAY BAR ASSOCIATION AT THE FIRST COURT REFERENCE  
TO LATE HON'BLE SHRI JUSTICE HARJIVANDAS H. KANTHARIA,  
FORMER JUDGE OF THE HIGH COURT OF JUDICATURE AT BOMBAY  
ON WEDNESDAY, 18TH APRIL 2018 AT 10.30 A.M.**

Hon'ble the Acting Chief Justice, Smt. Vijaya Tahilramani,  
 Hon'ble Judge of this Court, Shri M.S. Sonak,  
 Shri Ashutosh Kumbhakoni, Advocate General of Maharashtra,  
 Shri Anil Singh, Additional Solicitor General of India,  
 Shri Vijaysinh Thorat, Senior Advocate, on behalf of Advocates' Associations of  
 Western India,  
 Shri Kaiwan Kalyaniwalla, President of Bombay Incorporated Law Society,  
 Senior Advocates, Members of the Bar,  
 Members of the family of Late Hon'ble Shri Justice Harjivandas H. Kantharia,  
 Court Officers and Members of the Registry,  
 Ladies and Gentlemen.

-----

We have assembled here this morning to mourn the sad demise of a former Judge of this Hon'ble Court Justice H.H. Kantharia who departed for the heavenly abode on 26<sup>th</sup> February 2018.

Justice Harijivandas Hiralal Kantharia, M.A., LL.B., was born on 24<sup>th</sup> October 1932. After completing his graduation in law, he was enrolled as an Advocate with the Bar Council of Maharashtra on 10<sup>th</sup> August 1962. He also completed his Master in Arts as well as Master in Law. He practiced in Civil and Criminal matters in High Court, City Civil and Sessions Court, Small Causes Court and the Courts of the Metropolitan Magistrate. He worked as a part-time Lecturer in Mercantile Law at Siddharth College of Commerce and Economics from July 1969 to January 1975. He was appointed as Joint Judge on 26<sup>th</sup> April 1977. He became member of the Industrial Court, Maharashtra, Bombay and Industrial Tribunal, Bombay on 26<sup>th</sup> October 1977 and was appointed President, Industrial Court,

Maharashtra, Bombay and Industrial Tribunal, Bombay on 14<sup>th</sup> July 1981. He was appointed permanent Judge, Bombay High Court from 28<sup>th</sup> March 1983 and retired on 24<sup>th</sup> October, 1994.

He was born in a farmer's family at Surat. However with his perseveres, hard-work and industry, he managed to overcome all odds to achieve the success he did. He was very proud about his humble beginning. In fact, it was his strength and that kept him humble.

As a member of Industrial Tribunal and Judge of this Hon'ble Court, he always exercised his discretion and jurisdiction in favour of uplifting the poor and destitute at the grass-root level and socially backward classes of the society.

As a High Court Judge while exercising Writ Jurisdiction under Article 226 of the Constitution of India, his sense of Justice would be truly accomplished. He would pass bold and courageous orders breaking the traditional path. He would remind the erring Respondents that the pen he has wielding was not an ordinary pen, but it was a 226 pen, which had no limitations and restrictions.

He was the first judge of the Bombay High Court to issue suo motu directions converting newspaper reports reporting injustice suffered by helpless section of the society into Public Interest Litigation.

In one case he directed a simple post card letter from a distressed widow claiming provident fund of her deceased husband being converted into a Public Interest Litigation.

During his tenure as a Judge, he along with Justice P.B. Sawant, Justice S.C. Pratap, Mr. K.K. Singhvi and Justice D.R. Dhanuka, as he then was, formed an Association called Progressive Law Association. On being questioned about Judges being associated with activities, he would stoutly defend by saying that anything needed to be done for dissemination of legal knowledge, legal-aid, legal literacy and

reaching Justice to the grassroots and to the needy and destitute was not only justified albeit mandatory.

Under the aegis of that Association there were several conferences organized in whole of Maharashtra and Goa.

After he demitted office as Judge of the High Court, he was appointed as Chairman of Company Law Board at Delhi. Although he did not have much exposure to Company Law as a practitioner or as a Judge, he excelled even as CLB Chairman with his phenomenal Sense of Justice and Common sense.

He was truly a socialist and a secular person. He would always propagate about unity in diversity which he put in practice. His relations included persons belonging to Hindu, Muslim, Jain, Christianity and Parsi.

He led a very happy retired life, fully contended that all his children and grand children are highly qualified and well settled. His eldest son Subhash being a law graduate is at present holding the post of Deputy General Manager with Union Bank of India. His wife Vimala is a retired senior School Teacher with Jamnabai Narsee School, Vile Parle.

His second son Dr. Ajay is a Cardiologist, is attached to Saifee Hospital and Harkisandas Hospital. His wife Varsha was working with Delta Airlines.

His daughter Pournima is a Government Pleader, on the Original Side of the Bombay High Court. Her Husband Murtaza is also a practicing Advocate in the Bombay High Court.

His Youngest son Vijay is a standing Senior Counsel for the Central Government as well as for the Central Board of Excise, Customs and Service Tax. His wife Sagorika is the head of the Human Resources Development with the Jagran Group of Companies and Radio Citi.

His grand Daughter Dr. Nimisha is a Surgeon attached to various hospitals in Mumbai and her Husband Dr. Kunal is a Onco Surgeon attached to the Tata Memorial Hospital, Mumbai.

His grandson Kartik is a Fashion Designer and Siddharth is an Architect.

His grand daughter Alisha is a Physiotherapist and grandson Rahil is pursuing M.B.B.S. studies.

Although he had suffered a stroke 20 years ago, he overcame all the physical disabilities and was quite independent doing his daily routine. He was being looked after and taken care of by his son Dr. Ajay who would accompany him for his walks daily. After his recovery, he was very regular with his morning and evening walks at U.S. Club.

It is indeed a coincidence that he passed away on his wife's birthday. His wife, I am told, was truly dedicated and supported him immensely.

In passing away of Justice Kantharia we have lost a humanist, a secular and socialist person with kind heart and immense sense of Justice.

His children Pournima and Vijay are able lawyers and our colleagues at the Bar.

On behalf of Bombay Bar Association, myself and all members, I convey my heartfelt condolences to the bereaved family and pray the Almighty to give them courage to bear the loss.

May the departed soul rest in eternal peace.

-----

**ADDRESS BY MR. V.A. THORAT, SENIOR ADVOCATE  
ON BEHALF OF ADVOCATES' ASSOCIATION OF WESTERN INDIA  
AT THE FIRST COURT REFERENCE  
TO LATE HON'BLE SHRI JUSTICE HARJIVANDAS H. KANTHARIA,  
FORMER JUDGE OF THE HIGH COURT OF JUDICATURE AT BOMBAY  
ON WEDNESDAY, 18TH APRIL 2018 AT 10.30 A.M.**

My Lord the Acting Chief Justice, the Hon'ble Justice Shri Sonak, The speakers, who preceded me and the speakers who will follow me, members of the Bar, Members of the family of Justice Kantharia, who are present and who are not present, my colleagues of the Bombay Bar Association and all those persons on behalf of the Advocates' Association of Western India, I am here to pay homage to the late Justice Kantharia.

I do not wish to repeat the life history which has been stated by speakers who are present here. Look at the man and look at the life graph, from a humble villager to become a Lokayukta of the State. It reminds me of a quote of Ralph Waldo Emerson, "that big jobs usually go to the men to outgrow the small ones". Rising from low to the greatness yet as a person and as a Judge he was never ever conscious of this fact. A brilliant student of school and college, a lawyer, a Judge of the subordinate judiciary, member of the Industrial Tribunal, Law Professor, even as my Ladyship the Acting Chief Justice said, he worked for a brief period as a Clerk with Indian Railways, as a Judge of this Court, as Chairman of the Company Law Board and finally as Lokayukta, where he retired. What a great and enviable graph of life. We must admire Justice Kantharia who tried to inculcate among junior lawyers the values he held. His tenure as a Lokayukta is especially mentionable. He did not treat it as a cushy job but invigorated the office of Lokayukta. He took over office of Lokayukta within days of his retirement as a Judge of the High Court. He was elected as the President of All India Lokayukta Association. As President of that Association, he interacted with the Lokayuktas in India as well as Ombudsmen abroad. He visited Macau and Argentina to attend the Ombudsman Conference. He travelled widely in India with an object and mission to unify the Lokayuktas in various States. He had an extensive correspondence with

the Ministry of Law and Justice that Lokayukta appointed should be given a status so that they are not at the mercy of politicians who can remove them at will. During his tenure as a Lokayukta, he successfully conducted several inquiries which resulted in some of the Ministers vacating their office as a result of reports submitted by Justice Kantharia.

I personally knew Justice Kantharia as a man and as a Judge. I had several occasions to appear before him and those were the days where Courts were conducted in a peaceful atmosphere. Justice Kantharia inculcated in the junior members of the Bar a spirit of discipline and decorum. He reprimanded juniors if they made any gestures which affected dignity of Court. I still remember an incident where Justice Kantharia was to launch a book on Law written in Marathi by a lawyer in Satara. It being my native district, I went to Satara for inauguration. After the inauguration function, there was a dinner and there was a separate table laid out for Justice Kantharia, District Judges and other Judges. When Justice Kantharia saw me, he called me and asked me to join his table and openly told me that he will not have the dinner unless I joined him. I was flattered by his attention.

I am sure that the family of Justice Kantharia is aware that loss of Justice Kantharia is not merely loss to them but loss to all of us and particularly to the legal fraternity. He contributed to law and his legal acumen is reflected in Judgments he wrote. He has also contributed to law by making three of his close relatives, i.e. daughter, son and son-in-law, practising lawyers of this Court. His daughter is the Government Pleader of this Court. He lived a great life and on behalf of my colleagues, I pay great tribute to the departed soul.

May his soul rest in peace.

-----

**ADDRESS BY MR. KAIWAN KALYANIWALLA, PRESIDENT,  
THE BOMBAY INCORPORATED LAW SOCIETY  
AT THE FIRST COURT REFERENCE  
TO LATE HON'BLE SHRI JUSTICE HARJIVANDAS H. KANTHARIA,  
FORMER JUDGE OF THE HIGH COURT OF JUDICATURE AT BOMBAY  
ON WEDNESDAY, 18TH APRIL 2018 AT 10.30 A.M.**

Hon'ble the Acting Chief Justice, Smt. Vijaya Tahilramani,  
Hon'ble Judge of this Court, Shri M.S. Sonak,  
Shri Ashutosh Kumbhakoni, Advocate General of Maharashtra,  
Shri Anil Singh, Additional Solicitor General for India,  
Shri Nitin Thakker, Vice President, Bombay Bar Association  
Shri Vijaysinh Thorat, Senior Advocate, on behalf of Advocates' Associations of  
Western India,  
Senior Advocates, Members of the Bar,  
Family members of Late Hon'ble Shri Justice Harjivandas H. Kantharia,  
Ladies and Gentlemen.

-----

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

I concur with the sentiments of my Lady the Chief Justice, and the feelings that have been expressed by my colleagues at the Bar.

Justice Kantharia was admired by the members of the legal fraternity as an astute judge who had served both at our High Court and as Lokayukta.

In the passing away of Justice Kantharia, we have lost not only a fine Judge, but also a distinguished gentleman.

Our heartfelt condolences to the members of his family.  
May his soul rest in peace.

-----