

LATE SHRI C. G. MADKHOLKAR, SENIOR ADVOCATE

With profound grief we record the sad demise of Senior Advocate Shri Chandrashekhar Gajanan Madkholkar who passed away on 14th September, 2009. He was 79. A Full Court Reference to pay condolence and homage to the departed soul was held on Thursday the 18th February, 2010 in Court Hall "A" of the Nagpur Bench of the Bombay High Court.

Initiating the reference Shri Anand Jaiswal, President, High Court Bar Association paid tributes to late Shri C. G. Madkholkar. He said,

"It is with great sorrow that I bring to your Lordships' notice the passing away of Shri C. G. Madkholkar, one of the stalwarts of this Bar.

Shri Chandrashekhar Madkholkar was born in a literary family. His father Shri G. T. Madkholkar was one of the most renowned figures in Marathi literature. Shri Madkholkar was born on 22-6-1930. He did his schooling from the New English High School, Nagpur and his graduation in Arts from the then Morris College in Nagpur. He thereafter completed his degree in Law from Nagpur University.

He joined government service in the year 1955. He was posted as Regional Publicity Officer. However the tedium of Government service was not for him. He resigned from Government service and joined the chambers of Shri C. S. Dharmadhikari (as his Lordship then was) in July, 1965 and from there began one of the most brilliant and fascinating legal careers. He worked in the chambers of his senior till 1971 when Justice C. S. Dharmadhikari was elevated. Thereafter he started independent practice and soon became one of the most sought after lawyers in this Court. This was in a period when Nagpur boasted of some of the most brilliant legal minds in the country.

In a shortwhile he was soon accepted as one of the best lawyers produced by this bar. Although his family background pertained to Marathi literature, he mastered the English language as very few have. With his extraordinary grasp over the language and his deep understanding of the law, he had the rare ability to make complex matters appear simple. This led to clear and lucid arguments, which helped this Court to lay down the law on different subjects. The development of law specially relating to the subjects of Co-operatives, Local Bodies, Motor Vehicles and caste disputes was largely due to his brilliant exposition of the law on these subjects. As a matter of fact, the genesis of the law

laid down in the case of *State of Maharashtra versus Milind Katware* came from the arguments advanced by him before the High Court and before the Supreme Court in the initial stages. The law reports of the 1970's and the 1980's specially are replete with judgments, which bear evidence to the legal acumen of this great lawyer.

Besides being a lawyer of extraordinary calibre, he was also a shining example of a lawyer with great integrity and was a senior par excellence. He used to help juniors on his own without waiting to be asked for help. Many a time a junior lawyer would be called and told what was lacking in a matter he had recently argued and how he could improve himself. I have personally benefited from his advice on several occasions. His courage was legendary. He was never afraid to call a spade a spade. He expressed his views clearly even if it meant earning the displeasure of the Court.

He was a born leader and everyone turned to him in times of trouble. He never disappointed them and took the lead on several occasions in respect of various issues that troubled the Bar. He was the President of the High Court Bar Association from 1982 to 1985. He successfully organised the Golden Jubilee celebrations of this Bar.

His contribution to the field of law does not end with this. His office was a nursery for development of several eminent lawyers and judges of this Court. Notable amongst them are Hon'ble Justice D. K. Deshmukh and Hon'ble Justice V. C. Daga. Shri Avinash Gupta, a former President of this Bar and a noted criminal lawyer and Shri S. K. Mishra, the learned Assistant Solicitor General are also from his office.

My Lords, following his father, Shri C. G. Madkholkar had also a literary bent of mind. He had written two novels early in his career. However he preferred a legal career to literature. Literature's loss was law's gain. He has left behind an indelible stamp in this field. His name will always be counted amongst the giants produced by this Bar. His loss can never be really filled. His two sons Shri Rajivlochan Madkholkar and Shri Priyadarshan Madkholkar are practicing lawyers of this Court. We share their grief and the grief of their family. On behalf of the High Court Bar Association and on my own personal behalf I pay respectful homage to Late Shri C. G. Madkholkar. I offer my condolences to the family of Shri Madkholkar and pray that his soul rests in everlasting peace."

Speaking next Shri Nitin Sambre, Government Pleader paid tributes. He said,

"Mr. Chandrashekhkar Gajanan Madkholkar was born at Nagpur on 22nd June, 1930 in the family of renowned journalist, Shri G. T. Madkholkar a founder editor of Marathi daily Tarun Bharat. Having completed his schooling from New English High School, Mr. Madkholkar graduated from Morris College, Nagpur in Arts Faculty and later on completed his LL.B.

Advocate Madkholkar joined Government service in 1955 and became Regional Publicity Officer in Marathwada Region after the State re-organization. Mr. Madkholkar after resigning from the Government service joined Bar in July, 1965 and started his lessons of advocacy at the chamber of Hon'ble Justice Chandrashekhkar Dharmadhikari as he then was. Being extreme brilliant and having extraordinary command over the language, he soon entered into an independent practice and became master in the matters dealing with law of co-operative societies, Maharashtra Municipalities Act, Zilla Parishad Act etc. A strong supporter of doctrine of Articles 14 and 21 of the Constitution of India have for the first time evolved the principal of equal pay for equal work from Articles 14 and 21 in 1980.

Mr. Madkholkar has practiced law on all sides including that of Election Law, Service Matters, Co-operative Matters. A most sought for advocate, while arguing complicated matters under the Motor Vehicles Act not only Bombay High Court, but also a High Court of Gujarat, Madhya Pradesh and Apex Court. The Bombay High Court conferred the designation of Senior Advocate.

Mr. Madkholkar's popularity in the Bar was recognized by the colleagues by electing him to the post of Vice-President of High Court Bar Association, Nagpur in 1979 and President in 1982. Mr. Madkholkar has brought great revolution in the work of High Court Bar Association and has made High Court Bar Association financially self sufficient, because of his organizing capacity. The High Court Bar Association has celebrated its golden jubilee under his Presidency which added one more feather to his cap. Having lived a very successful life, Mr. Madkholkar left for heavenly abode on 14th September, 2009.

I pray God to give courage to the members of the Madkholkar family to sustain and overcome the loss caused by the sad demise of Shri Chandrashekhar G. Madkholkar. I myself, on behalf of all Law Officers and staff of the Government Pleader's Office, pray reach tribute to the departed soul and pray Almighty God that his soul may rest in peace."

Shri S. K. Mishra, Assistant Solicitor General of India while paying his tributes said,

"Late Chandrashekhar Gajanan Madkholkar was born on 22-6-1930. He was brought up at Nagpur in the family which has no legal background. His father late Shri G. T. Madkholkar was renowned journalist, founder editor of Marathi daily Tarun Bharat and was celebrated novelist in the State of Maharashtra. He studied in New English High School, Main Branch, Nagpur and completed B.A. from Morris College, Nagpur and his degree of LL.B. was from Nagpur University. In the year 1955 he joined Government Service and after State Reorganisation was posted as Regional Publicity Officer in Marathwada region from which post he resigned and joined the Bar in July, 1965 and started his practice before this Court.

He started his practice in the office of Hon'ble Justice (Retd.) Chandrashekhar Dharmadhikari (Padmabhushan) and because of his extreme brilliancy and extra-ordinary command over the language he developed mastery in all faculty of law. He practiced with Hon'ble Justice Dharmadhikari till his elevation in the year 1971 and thereafter started his independent practice. All local laws like Maharashtra Municipality Act, Zilla Parishad Act, effect of State Reorganisation on the age of retirement of teachers and other employees working in the local bodies as well as in the erstwhile State of Madhya Pradesh. During the period from 1970 to 1998 most of the major judgments which were reported were in his name. In number of judgments the Courts have recorded his appreciation by recording that this judgment was not possible except for the assistance rendered by Adv. C. G. Madkholkar.

His arguments were ahead of times, inasmuch as, he argued in '80s' equal work equal pay though is a directive principle of State policy which should come by Article 14 and 21 which was rejected by the High Court but ultimately in *D. S. Nakara vs. Union of India, 1996 SC*, the Hon'ble Apex Court accepted his argument. Similar is the case in relation to celebrated judgment of this Hon'ble Court in *Malkapur Municipality's case*, which he argued in 1976 and the same principle was enunciated by the Hon'ble Supreme Court in 2002 in *Punjab and Haryana Municipality's case*. He has conducted every election petition, but for Sukhdeo Babu Uike has succeeded in all election petitions. *Sukhdeo Babu's* judgment was also reversed by the Supreme Court. His name went all over the State of Maharashtra because of decision in the *Milind Katware's* case and the interim order passed during the pendency of that petition. Since he appeared before the Hon'ble Apex Court as well by which positive direction was issued by the Supreme Court to grant concession to Halba Koshtis in the State. His knowledge about Motor Vehicles Act was unchallengeable and whenever there was contract carriage case, whether it was at State of Gujarat, whether it was Madhya Pradesh or State of Maharashtra, he was always at one side of the matter. Because of his dedication towards the profession and his knowledge of law he was designated as Senior Advocate though late by this Court, on 2-2-2006.

He was Vice President of the High Court Bar Association in 1979 and President of the High Court Bar Association, Nagpur in the year 1982 to 1985. Under his able guidance and assistance the bar has produced notable lawyers and two of them are adorning the seat of Judge of Bombay High Court namely Hon'ble Mr. Justice V. C. Daga and Hon'ble Mr. Justice P. K. Deshmukh. He was not only a good and dynamic lawyer, but was most courageous person inside and outside Court. During his term as President of High Court Bar Association; Nagpur, Golden Jubilee function was celebrated in most stylish and sophisticated manner. He was a great lawyer and I must confess that he was always ready to fight for the cause of justice for the poor and downtrodden. He was blessed with three children, R. C. Madkholkar, P. C. Madkholkar and Shyam Madkholkar. Two of them have stepped in his shoes and now are eminent lawyers practicing before this Court by name R. C. Madkholkar and P. C. Madkholkar. I as his junior in his office have seen him personally arguing the case for poor litigants for weeks together before this Court without taking any fee. He was great friend, philosopher and guide to his juniors. With proud I can say that whatever I have achieved in this profession it is because of his able guidance and timely assistance given by him to me. He was ever ready to help especially juniors and use to come to the rescue of juniors in the Court room also. He was a lion hearted man not for the sake of say, but used to roar like lion in the Court room also. He was not only a profound and great lawyer, but also a great writer.

For last 3 years before his death he was practically bed ridden and was having extreme physical trouble in coming to the Court. I can say that this Bar has produced a great lawyer like late Shri C. G. Madkholkar. He expired on 14-9-2009. In his death, the entire legal fraternity has suffered a great loss."

On behalf of Vidarbha Labour Law Practitioners Association, Shri P. D. Meghe, President paid tributes to the departed soul. He said,

"Late Chandrashekhar Gajanan Madkholkar started his career as an advocate at the age of 35, leaving his Govt. job. However very soon, his skill of advocacy brought him the fame like veteran advocate. He became the advocate in important constitutional cases at Nagpur Bench of Bombay High Court.

Adv. C. G. Madkholkar, was a lawyer with multifaceted personality. For sheer advocacy, C. G. Madkholkar was unsurpassable. His clarity of thoughts, coupled with precision and elegance of expression, impassioned plea of the cause he espoused, excellent Court craft and ability to think on his legs, rendered him an irresistible force. He has phenomenal memory. His great asset was his ability to master any aspect of law. Sheer hard work and long years of study brought him to this position. Before he took up any brief, he would study it in depth. Besides field of law, he was also a person who also contributed in Marathi literature. He authored trio 'Aparajit', 'Raghunandan' and 'Pratishod' and it is only second trio in the Marathi literary world.

Adv. C. G. Madkholkar was also the person active for the bar which made him Vice President in 1979 and President of High Court Bar Association in 1982 to 1985.

Adv. C. G. Madkholkar was also active in public life. He lived his life with full devotion and commitment. He was the person who used to do any work with complete seriousness and in a well studied manner. I would like to give one example of this. He was called by Democratic and Youth Federation of India on the occasion of Lenin birth anniversary. The speech which he gave on that occasion about Lenin was such impressive that everyone present there felt that he is veteran communist. This clearly demonstrates his quality of doing the things with deep study and commitment.

There is hardly any field of law or any statute on which he has not argued the cases. Whether it is a matter of constitutional challenge or of Caste Scrutiny or a service matter, he used to argue it after doing research on it. I can say with my own experience

that he always used to help Juniors and his advice on any subject always brought new dimensions in the field of legal knowledge to me.

He once said in arguments and discussion, 'the courage and conviction of the person arguing the case can change the thinking of audiences.'

He was an outspoken and fearless person who also used to write articles in news papers to put forth his views on the various issues and on one occasion he even received threat of life but he never stopped himself from placing his thoughts.

Late Chandrashekhar Gajanan Madkholkar, the Senior Advocate, an eminent jurist and Legal Scholar is no more with us but the impact made by his arguments in this bar is eternal.

In his passing away, we have lost a legal luminary and a great human being."

On behalf of Co-operative Court Practitioners' Association, Nagpur Shri N. N. Thengre, Advocate spoke on the occasion. He said,

"Shri Chandrashekhar G. Madkholkar used to take part in his young age in various debates and that too in the year 1954 to 1960. On one side in the debate Shri C. G. Madkholkar, was representing in the debate on any subject of the common man and on the other side Hon'ble Shri Chandrashekhar Dharmadhikari, used to take part in the debates. The debates wherein both of them took part was very interesting and used to give pleasure to the general public. Mr. Chandrashekhar G. Madkholkar, was a good debater." He was strong supporter to Junior Lawyers .

I, on my behalf and also on behalf of Co-op., Court practitioners, pay my condolence and homage to the departed soul of late Shri Chandrashekhar G. Madkholkar. I pray to the almighty that his soul may rest in peace."

Thereafter Shri A. M. Tayde, President M.A.T. Bar Association, Nagpur spoke on behalf of Association,

"Late Shri Chandrashekhar Gajanan Madkholkar was the eminent Senior Advocate of the High Court and the Supreme Court of India. He was a son of renowned journalist and celebrated novelist in Maharashtra; late Shri Gajanan Madkholkar, the founder Editor of Marathi Daily "Tarun Bharat". He himself also wrote 2 famous novels "Aparajit" and "Shubhdan".

After taking the degree in Law, he joined Govt. service in 1955 and was a Regional Publicity Officer in Marathwada region. However, since he has got great aptitude for legal profession, he resigned the post and started practice from July, 1965. He joined the office of Hon'ble Shri Justice (Retd.) Chandrashekhar Dharmadhikari, then eminent lawyer. He being extremely brilliant and having extra ordinary legal acumen, soon became eminent lawyer in every field of Law.

From the year 1970 onwards his important cases having national importance on legal points were reported wherein he was appreciated by the High Court and Supreme Court of India. He has conducted several election petitions and succeeded in almost all the cases.

He was the Vice-President of High Court Bar Association in 1979 and President of High Court Bar Association during 1982 to 1985. Many of the eminent lawyers were his juniors. Hon'ble Shri Justice V. C. Daga and Hon'ble Shri Justice D. K. Deshmukh were amongst them. Adv. Shri S. K. Mishra, presently Assistant Solicitor General of India was also his junior. Late Shri C. G. Madkholkar was one of the prominent lawyers of India like Barrister Shri M. N. Fadke, Shri Nani Palkhiwala, Shri Ram Jethmalani, Shri Soli Sorabjee, Ex-Advocate General Shri Arvind Bobde, Ex-Advocate General Shri V. R. Manohar and Hon'ble Shri Justice P. G. Palshikar. Amongst his 3 sons, Adv. Rajiv and Adv. Priyadarshan are eminent Advocates of this Bar.

I, on my behalf and on behalf of MAT Bar Association, pay condolence and homage to the departed soul of late Shri Chandrashekhar Madkholkar.

MAY HIS SOUL REST IN PEACE"

Shri V. G. Bhamburkar, President of Vidarbha Advocates Federation, Nagpur spoke on the occasion. He said,

"I share with the views expressed by my colleagues here.

I pay my respectful homage to the departed soul and my deep condolences to the bereaved family.

May his soul rest in peace."

On behalf of Vidarbha Lady Lawyers' Association, Nagpur, Mrs. T. D. Khade, President paid tributes to Late Shri Madkholkar,

"My Lords I fully associate myself with the sentiments expressed by all my colleagues about late Advocate Chandrashekhar Madkholkar, only to add what I have seen him is, My Lords few men aspire to achieve heights of greatness, fewer still seek to achieve it scrupulously through honest means, even fewer are yet uncompromising in their standards maintain to achieve perfection. Late Advocate Chandrashekhar Madkholkar was one of such great Advocate.

His experience and advocacy was more than that of my age, I am fortunate enough to observe his arguments in few important cases of students of Medical and Engineers belongs to Scheduled Tribe Category. I got an opportunity to be as an opponent counsel in few cases. As a lawyer Advocate Madkholkar was particularly noted for his marshalling of facts, preparedness, logical analysis and masterly exposition of law. His command over the laws and pleasing Court manners were notable.

Hard work sincerely of purpose, sound knowledge of law and the legal acumen which he possessed in abundance soon enabled him to develop a large practice and acquire a position of evidence at the Bar. He did not take long for this Court to recognize his all round merit and designate him as Senior Advocate. He was able score over his opponent by power of his logical reasoning, careful analysis and clarity of thoughts. He was not only a distinguished lawyer but also a good human being. He possessed a rare combination unquestionable integrity, sterling character and high moral values.

In the death of late Advocate Chandrashekhar Madkholkar we have lost not only a leading member of bar but also a very good human being.

My lords on my behalf and on behalf of Vidarbha Lady Lawyers Association I pray to good almighty that his soul may rest in eternal peace and give courage to his family members to bear his grave loss."

Shri M. B. Badiye, President of Adhivakta Parishad, Nagpur also spoke on the occasion. He said,

"मी अधिवक्ता परिषदेच्या वतीने स्व. अॅडव्होकेट चंद्रशेखर माडखोलकर यांना श्रद्धांजली वाहण्यास उभा आहे. या प्रसंगी माझे बाबतीत त्यांनी लढलेल्या केस संबंधी सांगणार आहे. राज्यातील दुचाकी वाहनावर 15 वर्षांची एकरकमी करवसूली करण्याबाबतची कायदा दुरुस्ती अवैध असून ती रद्द व्हावी म्हणून मुंबई उच्च न्यायालयाच्या नागपूर खंडपीठात दुचाकी वाहन धारकांच्या वतीने एक माझी जनहीत याचीका स्व. अॅडव्होकेट चंद्रशेखर माडखोलकर यांनी एकही पैसा न घेता स्वखर्चाने सादर केली व युक्तीवाद केला. न्यायालयाने त्यांचे म्हणणे संयुक्त ठरवून मुंबई उच्च न्यायालयाच्या नागपूर खंडपीठाचे न्यायमूर्ती मोहता व न्यायमूर्ती सांबरे यांनी माझी याचीका मंजूर केली. ही केस महाराष्ट्र लॉ जरनल च्या 1987 च्या अंकातील पान 698 वर मधुकर बाळकृष्ण बढीये विरुद्ध सरकार या नावाने प्रकाशीत झाली आहे.

ईश्वर त्यांच्या मृतात्म्याला शांती प्रदान करो."

Hon'ble Shri Justice Sharad Bobde paid rich tributes to late Shri C. G. Madkholkar. He addressed as follows :

"We have met here today in the memory of Shri Chandrashekhar Gajanan Madkholkar, Senior Advocate, who passed away on 14-9-2009.

Shri Madkholkar was born on 22-6-1930 at Nagpur. His father late Shri G. T. Madkholkar was a renowned Journalist, Founder Editor of Marathi Daily "Tarun Bharat" and a celebrated novelist.

Shri C. G. Madkholkar studied at New English High School, Main Branch, completed his B.A. from Morris College, Nagpur and acquired his Degree in LL.B. from Law College, Nagpur. In 1955, he joined Government Service and after re-organization of States, was posted as Regional Publicity Officer in Marathwada Region from which post he resigned and joined the Bar in July, 1965.

He started his practice in the Chamber of Justice C. S. Dharmadhikari and soon developed mastery in all branches of law. He established his own Chamber after Shri C. S. Dharmadhikari was elevated to the Bench in the year 1971. He was well versed in all local laws like Maharashtra Municipalities Act, Zilla Parishads Act and on several special subjects like effect of States' Reorganization on the age of retirement of Teachers and other employees working in the Local Bodies and erstwhile State of Madhya Pradesh. In cases which he argued, one can often come across the appreciation recorded by the Courts of the excellent assistance rendered by Shri Madkholkar.

His arguments were far-sighted and he asserted that equal work for equal pay flows from Articles 14 and 21 of the Constitution much before it was ultimately accepted by the Supreme Court in *Nakara's* case. His arguments before this Court in *Malkapur Municipality* case and in many election petitions, which he conducted successfully, are well known. Towards the latter half of his career, he became well known in the legal circle because of the decision in *Milind Katware's* case on the concessions available to Halba Koshties, which he argued before the Supreme Court. He was considered as an expert in the matters arising under the Motor Vehicles Act and appeared in all the leading cases under these laws before this Court as well as Madhya Pradesh High Court.

Shri Madkholkar was a man of varied interests and versatile talent. He was fond of fine arts, poetry, good books, music and for those, who knew him well, had culinary skills. He once said to me that he had also been a Wrestler. He had a unique ability of throwing light on the subject with his ready wit, followed by his characteristic smile. He was widely read and was an accomplished author. In him, one could see what Bacon said:

"Reading maketh a full man; conference, a ready man : histories make men wise; poets, witty; the mathematics, subtle; natural philosophy, deep; moral philosophy, grave; logic and rhetoric, able to contend."

Early in his life he wrote two novels "Aparajit" and "Shubhdan". He, however, stopped writing, but later picked it up again and completed the trio of three novels like his father - "Aparajit, "Raghunandan" and "Pratishodh". He wrote fearlessly.

As a Member of the Bar, he was very active. He was Vice President of the High Court Bar Association in 1979 and the President of the same Association during the period 1982-85. Two of his Juniors have become Judges of this Court, namely, Justice D. K. Deshmukh and Justice V. C. Daga. Two of his sons, viz. Rajiv and Priyadarshan are members of the Bar and are doing well.

The High Court Bar Association celebrated its Golden Jubilee function memorably when he was its President. In a Seminar on "Challenge before the Law", he made out a case for euthanasia, a subject, which had not occupied the minds of Lawyers then.

Towards his end, he did not keep good health and stopped coming to the Court. However, he remained affectionate and helpful to those, who visited him. In his passing away, the Bar has lost a man of extra-ordinary talent and outstanding skills, which are rarely seen in one person. He leaves behind him, his wife, three sons, a daughter-in-law and grand children.

We pray to the Almighty to give strength to the Family to bear this great loss."