

**Reference on the death of Mr. M. L. Maneckshaw,
Advocate in the High Court on 23rd October 1972.**

The Hon'ble the Chief Justice Mr. K. K. Desai:

Mr. Amin, Mr. Adik and Members of the Bar:

We received the sad news of passing away of Mr. Maneckshaw yesterday. I came to know Mr. Maneckshaw as an articled clerk when I used to go and deliver briefs in his Chamber. Thereafter it was my good fortune to be briefed with him in several litigations, particularly because my solicitor uncle Devidas treated him as an extremely useful and good Counsel in Long Causes and even in certain short matters. He was in looks very small but as an advocate very great. His perception in complicated commercial causes and causes dealing with Hindu Law and in other matters of diverse kinds was very deep, his experience very large. When I joined the Bar in 1938, now I find from the date of his birth, that he was about 50 years of age. One did not feel that he had reached that ripe age in those days. He was then not in the rank of Sir Jamshedji Kanga or Sir Nusserwanji Engineer nor Coltman nor in the rank of Jinnah or Bhulabhai Desai, but he was in the same rank as Munshi, Daphtary, Mangal Desai and Amin.

He had the reputation of not taking conflicting work. Therefore he was relied upon by solicitors more than some others who did not stick to that principle. Though he took help from juniors in finding out laws and discussed the authorities with them really and truly he depended upon himself. The law found by the juniors was good enough, but he used to go deeper into the matter

and studied for himself all the facts and law in each matter. He was generally briefed in complicated long causes. The solicitors relied on him with confidence. In small matters he was an asset because he was apt to lose temper against the other side and this made an impression on the Judge about his convictions in the case of his own client. Conviction of counsel is reflected in his arguments and accordingly in the Judges who hear his arguments. In most of the cases Mr. Maneckshaw carried on his battles with conviction and brought about successful end to the litigation for the benefit of his client.

When in 1958 I was brought to the Bench he appeared in my Court to fight a litigation in respect of joint family, of parties who still carry on the shop of Rajsji brothers at Colaba. He was appearing for the brothers who had ousted the widow of one deceased brother. The widow adopted an outside boy and brought him into the coparcenary of the family to get the complete share of the deceased adoptive father. Though he fought with conviction for the brothers who had ousted the widow, after the suit had lasted for few days at my suggestion Mr. Maneckshaw settled the suit in a manner which was very satisfactory for all the parties concerned.

Mr. Maneckshaw was a reputed counsel as is clear from the law reports. He had very deep knowledge of complicated points of law, of Constitution and all other kinds. He lived to the ripe age of 82 or 83. For last years I believe he was not quite well. Our sympathies go to his family and children. Let us all pray that his Soul may rest in peace.

Mr. M. P. Amin:

My Lord, on behalf of the Original Side Bar and myself, I fully associate with all that Your Lordship has said relating to late Mr. Maneckshaw. He was a self-made man a distinguished lawyer of this Hon'ble Court. He was born on 23rd November 1888 and today he was about 84 years old. Today also is 23rd October 1972 and on his 84th birthday we have gathered in this Hall to pay tribute to his memory.

My Lord, as already stated, Mr. Maneckshaw was a self-made man. He had a very brilliant academic career. In the Commerce Examination held by the London Chamber of Commerce he stood first and he got a Silver Medal. Thereafter he appeared for the Final LL.B. Examination. He started practicing in the Small Causes Court where he practiced for about 5 or 6 years and with the earnings he had made he proceeded to England to qualify for the Bar and he was called to the Bar in 1922 and he was enrolled as an Advocate of this Court in 1923. He conducted so many important cases. The first important case which he conducted was Benjamin v. Benjamin which was decided in 1925 by Mr. Justice Crump and I remember that case very well for this reason that Mr. Maneckshaw appeared for the plaintiff though he was only 2 or 3 years at the Bar. I was at that time for 6 years at the Bar. I was for the defendants. Sir Dinshaw Mulla and Mr. Bahadoorji were in fact conducting that case. Mr. Bahadoorji as busy in another Court and Sir Dinshaw Mulla had to go to another Court and he returned the brief and asked the Solicitor Mr. Ferreira of Messrs Ferreira & Vallabhdas to go to me and in his name to tell me to take up the case even though in the midst of the case. I remember that the Solicitor came to me at about 8 o'clock and told me that Sir Dinshaw Mulla had recommended my name and that I should take it

up even though it was a part-heard matter. I asked him what the case was about. He stated that it was in connection with a Jewish divorce case. I told him that I did not know that A B C of the Jewish law and I was rather reluctant to take it up. I was told that Sir Dinshaw Mulla had asked that I should take it up. I felt flattered and honoured as an eminent Counsel like Sir Dinshaw Mulla had suggested my name. So I accepted the brief. I started working on the brief from 8.30 p.m. till about 5 o'clock in the morning. I slept for about only an hour and a half. I appeared before Mr. Justice Crump. Mr. Maneckshaw was against me. Mr. Justice Crump was an ideal Judge. I told His Lordship that I was briefed at a very late stage. Mr. Justice Crump told me that he would keep in his mind that fact. That was a case filed in the High Court under the Letters Patent and it was competent for the Court to grant divorce decree. However, there were no cases to guide the Court on principles. Mr. Maneckshaw conducted that case with great ability, although he was at the bar for two years only and this was his first important case. I was at the Bar for 6 years. Thereafter I had occasions to appear so many time with him and against him. He was a junior of considerable assistance. Many a times he appeared as my opponent and I knew that I had to deal with a tough opponent. He may take any point by surprise and would make it good. He never went unprepared in any Court of law and his advocacy was supported by his mastery over facts and his knowledge of law involved in a case which was entrusted to him and that led ultimately to his acquiring very good practice in a short time and he rose to the first rank of Counsel.

My Lord, I have received a message from the Advocate General from Delhi in order that it should be read on this occasion. This is what it says:-

"I greatly regret my absence from Bombay; but I would like to join in the tributes which will be paid today to the memory of Mr. M. L. Manceksha who, for several decades, was one of the most distinguished lawyers in Bombay. I recall with gratitude that I had the privilege of being the first pupil to read in his chamber."

As I said, Mr. Maneckshaw was always found sitting in the Bar Room just below the photograph of Mr. Invararity from whom he got inspiration and with his acute intelligence he conducted the cases with ability. There was no case in which he really missed any point. He was fair to the opponent and he gave complete satisfaction to his clients. I had happy association with him when I appeared with him and some times against him.

My Lord, Mr. Seervai was his first junior; and Mr. Seervai is now the Advocate General of Bombay and this is the tribute which he has to pay to him on this occasion. Those who devilled in his Chamber have risen to prominence. To illustrate only a few instances, Mr. S. K. Desai, the present Sitting Judge in the High Court, was one of the juniors reading in his Chamber. Then Mr. K. C. Cooper, Mr. C. M. Daji, Mr. Anil Diwan were amongst other juniors who were reading in his Chamber and they got a lot of experience and they have risen to prominence and they are almost in the first rank of practitioners on the Original Side.

My Lord, Mr. Maneckshaw was very mild by temper. He was very docile. He appeared in many cases which were important, particularly with regard to the East India Cotton Association Rules and By-laws. The interpretation of these rules came up in several cases in this Court. The cases of the Bombay Bullion Exchange Rules and By-laws also came up before this Court for interpretation thereof and he appeared in those cases. He also appeared in the well-known Crossword Puzzle Prize Competition case. He also appeared in the Chamarbaugwalla case. He was also a constitutional lawyer. I was appearing against him in a case in which the constitutional validity of Evacuee Property was challenged. He argued the case with great ability. He had left practice about 5 or 6 years back as he was not keeping well and he was not able to attend the office and he was confined to bed. He died on Saturday last leaving a widow, four sons and two daughters. Our sympathies go to the members of his family. The highest tributes are due to him. He was one of the seniormost lawyers. He was a distinguished lawyer at the Bar. He was a legal luminary of the Bar. People will remember his name for years to come. One has only to turn the pages of the Bombay Law Reports to know with what ability he argued the cases. May his soul rest in peace!

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Mr. Ramrao Adik, President of the Advocates Association of Western India.

My Lord,

On behalf of Advocates Association of Western India I associate myself with the deeply moving and well deserved tributes paid to Mr. Manecksha by Your Lordship and Mr. Amin. Mr. Manecksha was not born with a silver spoon in the mouth; with the result after matriculation he could not prosecute his College education. While serving in an insurance company he passed his High Court Pleader's examination. There again since his father or father-in-law not bearing a leading lawyer or a solicitor he had to go to Small Causes Court and practice there. Within a short span of time he collected a very large and lucrative practice in the Small Causes Court. Thereafter he went to England and qualified to the Bar. After his return to India he joined the Chamber of Sir Jamshedji Kanga for some years.

He was a self-made man and had risen to heights in the legal profession by dint of his merit, industry and hard work. In those days the seniors used to charge pupils a sum anywhere between Rs.1,000/- to Rs.2,000/- but it must be said to the credit of Mr. Maneckshaw that like Sir Jamshedji Kanga and Mr. Bahadurji he never charged anything to his pupils for pupillage. His first pupil was Mr. Seervai, the Advocate General of Bombay which itself is a gloring testimony of eminence of Mr. Maneckshaw. After the Advocates Act of 1961 came into force law graduates were required

to do chambering in the Chamber of a Senior for one year before getting qualified to get a sanad. Some complaints were received that seniors were demanding moneys for pupillage from struggling students and we were almost thinking of amending the rules so that refusal to admit a junior in chamber or demanding moneys from him should be a professional misconduct.

Mr. Maneckshaw was a lecturer in Government Law College for some years and I have learnt that he was extremely popular amongst students. He was also on the Board of Government Law College and also a member of the Rules Committee of the High Court.

I was not fortunate enough to either appear with him or against him. However during my early days at the Bar I used to listen to the interesting arguments of Mr. Maneckshaw I found him to be thorough, upright, fair and dignified. The pages of Bombay Law Reporters bear testimony to the great qualities of Mr. Maneckshaw.

On behalf of the Association I convey our heartfelt condolences to the members of the bereaved family.

May his soul rest in peace!