

REFERENCE BY HON'BLE SHRI C. MOOKERJEE, CHIEF JUSTICE, HIGH COURT, BOMBAY, TO THE LATE SHRI R. MATHALONE, ADVOCATE, ON WEDNESDAY, 4TH OCTOBER, 1989, AT 11. A.M.

Mr. Seervai, Mr. Page, Government Pleader, Mr. Cooper, President of the Bombay Bar Association, Mr. Apte, President of the Western India Advocates' Association and Mr. Damodar, Present of the Bombay Incorporated Law Society

My learned brothers and myself have learnt with deep regret that on 27th September last Mr. Reginald Mathalone, one of the senior members of the Bar, has died. He was born on November 7, 1898 and was educated at Cathedral School, thereafter at Elphinstone College. He read law at Cambridge and was called to Bar from the Inner Temple. He was enrolled in the year 1922 and he had the privilege of joining the chambers of Sir Dinshaw Mulla. He had also served with distinction between 1938 and 1952 first as the Presidency Magistrate and thereafter as the Court Receiver and Official Liquidator. High Court was grateful to him for the services rendered to it. He had returned to the Bar to which he truly belonged. After Mr. Seervai, he had become the President of the Bombay Bar Association. He was one of the most respected and loved members of the Bar and with his knowledge of literature both prose and poetry which he was apt to quote often, I am told, he had enlivened and enriched all who had come to know him. In fact he was one of those who make the legal profession worthwhile and make it more than a mere living. He stood for the great traditions of the Bar and with his wit and humour he enlivened it.

All of us would miss him and I join with you in offering homage to his departed soul. He has left behind his beloved wife and his son who is an eminent eye surgeon in London. We offer our sincere condolences to the family. May his soul rest in peace.

4-10-1989

Speech by Shri H. M. Seeravi on behalf of the Advocate General.

May it please you My Lords,

On behalf of the learned Advocate General and on behalf of the Bar, I join your Lordships in paying our tributes to Reginad Mathalone. Sixty years is a long time and I first met him 60 years ago in the High Court Library. There were a group of us sitting there, myself in the corner, Keki Khambatta, later Presidency Magistrate, Balwantrao Desai, later Receiver, K. S. Shavaksha and finally Mathalone and though he was studious enough, when you heard roars of laughter, you noticed that Mathalone was narrating one of his interesting tales.

My Lord the Chief Justice has said that he was educated at Elphinstone College and in Cambridge. He was proud of Elphinstone College. We both belonged to the same College and we exchanged yarns about the various professors whom we had. He worked in the Chamber of Sir Dinshaw Mulla. It was not merely that he served a great lawyear but with an inimitable mimicry, he would say how Sir Dinshaw allotted the day work to each one of his devils and the next day the devil had to be ready. He learnt from Sir Dinshaw that no authority should be cited which you had not read. He joined the Chamber of another eminent advocate, Hormusdiyar Coyajee, a man of the most polished dition and absolute integrity and who as an additional Judge had the unique distinction of making Chief Justice McLeod change his judgment. The Chief was

going to fire off a judgement,. And Coyajee said “I want to discussit”. The Chief said, all right. He wrote out two judgements, one for Coyajee and one for himself, and ultimately Coyajee's judgment remained.

So he was trained in great Chambers and his knowledge of literature and poetry and life made him a delightful companion to a person who like me had a similar taste. Your Lordship has said that he used to quote poetry and I remember that when he discussed and described the hard lot of the lawyer who wanted to tread the straight and narrow path. He recited these lines from a sonnet by Lord Alfred Douglas :

“The bracken was like yellow gold
which comes to late,
When the heart is sad and old
And death at the gate”.

He had no desire to make a great mark at the Bar, nor had he any desire to wait till his heart was sad and old - which it never was.

So when a Presidency Magistrateship was offered to him, he accepted it. To that task, he brought great qualities, the ability to get on with practically any class of people, a knowledge of the world and what is most important, humanity, I remember a story which he used to tell, how a sailor with a very good record once came on shore for two days. Unfortunately for him, he went to a drink Bar, took a little more than was good for him and smashed up two cases

of beer. He was hauled up before Mathalone. He pleaded guilty and explained what had happened.

Mathalone putting on a very grave face gave him a long lecture and then the smile appeared, and he said, very well since this is your first case, I will let you off with a reprimand. Friends who appeared before him, - I never did – will tell the same tale.

But his finest hour, and the good fortune of this Court and the State was when Chief Justice Stone appointed him an Official Receiver and Court Liquidator. He used to tell this tale. The Chief Justice said “I want you to come over and have drinks”. Mathalone went over. The Chief said “let's talk over an important topic. He said it is very important to have a good man”. Then they had drinks and at the end of it, the Chief said “Well Mathalone I am glad you have accepted the job. You go tomorrow and take charge of your office”. In that office, all his skill and his qualities came into play. He was tactful. He was firm. He was absolutely incorrupt, because it is an office in which large sums of money can be., and have been, made. I had occasion for over two years to work with him day in and day out, week in and week out, because we were conducting the winding up of two big banks, ABC Bank and the Exchange Bank of India and Africa. And when you work with a man for along time, you realise his qualities. Immense pressure was brought to bear not only on Mathalone, not only on Mr. Raiji who had an uncanny skill for

disentangling wicked and devious transaction by company directors, but on me. We resisted the pressure for we took the view that negligence or no negligence, persons who had rendered widows, wives, and children helpless, deprived them of their small sums of money, must pay back as much as we could secure for them, and we did. Sir Jamshedji Kanga told me that the amount of Rs.22 lacs which we recovered in misfeasance proceedings was the largest which had ever been recovered.

My Lord the Chief Justice has said that he was lured to the Bar. Well, if the truth must be told, he felt extremely annoyed at the way in which two judges of this Court had treated Hormuzdiyar Coyajee – who was his great friend and whom he revered- on a narrow technical point. Practically suggesting that the old man ought not to have argued the appeals. An a man who had appeared to oblige Mathalone could only get a fee of 20 guineas. Coyajee had won eight appeals, as a result of which the Wadias won 300 suites in the City Court. So Mathalone left his office; and he need not have retired, but he felt that loyalty to his Chief required that he should.

Now, My Lord, there is one thing I wish to say, that husband and wife had a long married life over 60 years. They literally lighted each other's path and enlivened each other's journey; and without her support he could never have achieved the things which he did. They were a devote family. They had to bring up their children and great care and love was lavished on them. I

used to meet the grandson the little Jeremy; but Jerney's father has become an eminent Harley Street eye specialist and eye surgeon. Jeremy now has, in the fulness of time, become an eminent geologist. As age advanced and there were bouts of illness, each looked after the other and only a little before he died, their car which his wife was driving caught fire. Her first thought was "please take out Regi". Regi was taken out by friends nearby. She was assured that he would be left at home and she need not worry. So My Lord, our feelings and our deepest sympathies go out to the family. It seems to me that his wife accepted the end with the knowledge that he was saved needless suffering and it seems to me that the best tribute which we can pay to him is to repeat some lines of which he was very fond :

"A little work, a little play,

To keep us going, and so good day.

A little joy to match our sorrow

Of each day's growing, and so good morrow

A little warmth, a little lighted

Of love's bestowing, and so good night".

4-10-1989.

Speech by Mr. S. C Page, Government Pleader, High Court, Appellate Side.

It is with deep sorrow that I associate myself with all that has said on this sad occasion by Your Lordship the Chief Justice and Shri Seervai on behalf of the Advocate-General. The passing away of Shri Mathalone has ended the career of an illustrious junior of late Sir Dinshaw Mulla. He successfully adorned the offices of the Presidency Magistrate, Bombay and the Court Receiver and Official Liquidator, High of Bombay. Shri Mathalone was born on 7th November, 1898 and he had his early education in Cathedral School and Elphinstone College (Bombay). He read law at Fitzwilliam House, Cambridge University. After laying down the office of the Court Receiver and Official Liquidator of the High Court of Bombay in the 1952, Shri Mathalone returned to practice. He was so highly respected that he succeeded Shri H. M. Seervai as the President of the Bombay Bar Association which he served with great distinction until his retirement. Shri Mathalone earned full respect with his soundness in law. Deep understanding of human nature, unfailing courtesy to all and sympathy to junior members of the Bar. Shri Mathalone is well known for his witty speeches after dinner. His anecdotes included glimpses of Marshall Hall whom he had seen and heard. He was extremely well read in the classics and the moderns. Above all, he was a warm, lovable human being and he enriched the lives of those who had the privilege of knowing him intimately.

I join Your Lordship in paying tributes to the memory of Shri Mathalone and also express my condolences to the members of his family. May his soul rest in peace.

4-10-1989.

Speech by Mr. K. S. Cooper, President, Bombay Bar Association.

My Lord the Chief Justice, My Lord Justice Manohar and friends.

We have met here today on this sad occasion to pay our humble tributes to perhaps the most popular member, who ever joined the Bombay Bar Association, I whole-heartedly associate myself with the tributes paid and the sentiments expressed by My Lord the Chief Justice, by Mr. Seervai and by the Government Pleader.

Reginald Mathalone was the last of the English Counsel who practised at the Bombay Bar. His was the lineage of Inverarity, Lowades and Coltman. He himself was a product of two great Chambers as Mr. Seeravi has just pointed out. Later on, he himself sat in the Chamber with Mr. Coltman and his colleagues were Mr. Y. B. Rege and Mr. Justice D. M. Rege, Mr. Y. B. Rege's nephew, who is present here today. He was a very very sound lawyer and had tremendous clarity of mind. I had the privilege and the pleasure of appearing with him and appearing against him in a number of matters. His courtesy, whether as a senior, leading one, or as an opponent was exemplary. He made even his juniormost colleagues feel that they were not in some way his inferiors or his juniors but that they were his good close friends. He came from Chamber where scholarship and character went hand in hand. When he was the Court Receiver and the Official Liquidator, nobody ever suggested, nobody

even hinted at corruption in an office which has sometimes not been free of that taint. He made an excellent judicial officer as a magistrate, understanding, firm, humane, kind and compassionate. He was a model as a Court Receiver and Official Liquidator; and as an advocate he was one of the most respected and able advocates, though he never bothered to try to amass a large practice and make a great deal of money. But his greatest quality transcended these achievements and that quality lay in his being just himself – Reginald Mathalone. He radiated transparent honesty and perennial good cheer. Those who knew him were proud to be his friends. I counted myself amongst them. They loved him and I loved him. We loved him for his open frankness. We loved him for his wit and humour in which there was never an ounce or an iota of malice. We loved him for his compassionate and kindly nature. We loved him for his innate modesty. We loved to be with him and enjoyed the stories he told with the flair of a superb raconteur. We loved to hear him make an effortless after-dinner speech which sent everybody home in a euphoria of good humour. We loved to see him with his dear, gracious and devoted wife, for lovelier couple, it would be difficult to imagine. We revered him for his warmth and sincerity and we applauded him for his tact and understanding. He was the President of our Bombay Bar Association for many years and I doubt whether we shall ever have a better one.

For the last few years, age had taken its toll and he had ceased to visit

the Court or the Bar Association, but he was remembered by us with affection and that affection will abide in the hearts of those who knew him, so long as those hearts continue to beat. He leaves behind him that lovely lady, his wife Myrtle, and an only son who has achieved eminence in his chosen field as an eye surgeon in England. May God give them the fortitude to bear this loss. May his soul mingle with the Eternal in everlasting peace.

4-10-1989.

Speech by Mr. B. P. Apte, President, Western India Advocates' Association.

My Lords, I join Shir Seervai and my colleagues here and pay my humble tributes on behalf of the Advocates' Association of Western India to Sri Reginald Mathalone whom we of our generation did not have the privilege to know. I presume in Shri Mathelone we have lost almost the last link with the legend of Sir Dinshaw Mulla who pioneered the systematisation of law in the Anglo-Saxon model. Shri Mathelone belonged to that generation of lawyers which was versatile in its talents and interests, their cultural breeding being enriched by arts and literature and by a social consciousness of the duties of a lawyer as a citizen. The departure of the likes of Shri Mathelone becomes all the more sad today when the profession of the lawyers is marching rapidly towards the identity of a mercenary. We, particularly on the Appellate Side, of my generation did not have the opportunity to have an inter-person contact with Shri Mathelone and, therefore, we could not enjoy the bliss of what we are told a very lovable and humane personality.

On behalf of the Advocates' association of Western India, I join in tributes to the departed soul with the prayer that God may bless his soul with eternal peace.

4-10-1989.

Speech by Mr. D. D. Damodar, President, Bombay Incorporated Law Society.

My Lord the Chief Justice and My Lord Mr. Justice Manohar, Mr. Seervai and my other colleagues at the Bar :

On this sad and solemn occasion when we have gathered here to mourn the death of Mr. Reginald Mathalone, I, on behalf of the Bombay Incorporated Law Society, associate myself with the sentiments expressed by My Lord the Chief Justice, Mr. Seervai and my other colleagues at the Bar.

When one thinks or speaks of Mr. Mathalone, a picture of a tall, dark and handsome man with pleasant manners and soft-spoken voice appears before one's mind.

I personally came to know of Mr. Mathalone as he was very good friend of my father and I was introduced to him when I just passed my LL. B. Examination and joined Messrs. Kanga & Compay as an Articled Clerk. I came into personal contact with him when he was Official Liquidator and I was attending to the liquidation matter of ABC Bank. Though of very young age and still in my formative years as a lawyer I was deeply awed by the meticulous manner in which he dealt with minutest of details concerning the complex matters that arose in the gigantic liquidation of ABC Bank. But by sheer dint of his hard work and astuteness of mind he dealt with all the problems that arose to the entire satisfaction of all concerned including the Courts.

I was very deeply touched by his excellent manners, his thoroughness, his forthrightness and his great sense of responsibility in discharge of his duties as a Liquidator.

Though I was very raw junior he always treated me with utmost affection and warmth.

He was greatly respected and honored by all his colleagues and all the Judges before whom he appeared and particularly Judges dealing with liquidation matters. This was because of his frankness, uprightness and uncanny ability to deal with all the problems.

Mr. Mathalone was well-read both in classic as well as modern law and was well versed in prose as well as poetry. He was also well known for his keen sense of humour which he displayed in his delightful after-dinner speeches.

On his death we have lost a person with highest moral values, an able lawyer with astute mind and keen sense of understanding and humour and above all a warm and lovable human being which qualities endeared him to one and all who came into contact with him.

On behalf of myself as well as on behalf of the Bombay Incorporated Law Society, I wish to convey my most sincere condolences to the members of his family whom he has left in profound sorrow.

May his soul rest in peace.