

**REFERENCE MADE BY THE HON'BLE SHRI C.K. THAKKER, CHIEF JUSTICE,
HIGH COURT OF JUDICATURE AT BOMBAY, TO LATE SHRI JUSTICE DINSHAW
N. MEHTA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON WEDNESDAY,
23RD JULY, 2003.**

My esteemed colleague, Mr. Vahanvati, Advocate-General, Mr. Dhakephalkar, President of Advocates' Association of Western India, Mr. Patil, Vice-Chairman, Bar Council of Maharashtra & Goa, Mr. Dada, President of the Bombay Bar Association, Members of the Bar, Ladies and Gentlemen,

Today we have assembled here to mourn the sad demise of Hon'ble Mr. Justice Dinshaw Nusserwanji Mehta, former Judge of this Court, who left for his heavenly abode on 6th July, 2003.

Justice D.N. Mehta was born on 28th October, 1928. He graduated in Arts and Law from University of Bombay. He was enrolled as an Advocate of the Bombay High Court on 16th April, 1952 and commenced practice in the High Court and the City Civil Court. In 1964, he was appointed as a Special Public Prosecutor in the Court of Sessions at Bombay. He was appointed as a Judge of the Bombay City Civil and Sessions Court on 11th October, 1968 and was elevated to the Bench of the High Court on 7th August, 1978. During tenure of about 12 years as a Judge, he had delivered many landmark judgments. After an illustrious career, Justice Mehta retired on 28th October, 1990.

Justice Mehta had keen interest in several social and educational matters. After his retirement, he continued to be actively associated in social causes. Justice Mehta also started practice as a Senior Advocate. He was appointed as Arbitrator in many arbitration matters. In the year 1991, Justice Mehta was appointed as Chairman of the Legal Advisory Committee of Shivaji University, Kolhapur. From 1995 to 1999, the Governor of Maharashtra appointed Justice Mehta as Chancellor's nominee on the Management Council of Shivaji University, Kolhapur. In 1995, Justice Mehta was appointed by the Government of Maharashtra as Chairman of the Review Committee under the Terrorists and Disruptive Activities Act (TADA). Justice Mehta was Trustee of (1) K.R. Cama Oriental Institute, an institution devoted to propagation and research of ancient Oriental and Indian cultures and (2) Framjee Cawasji Institute, a charitable institute conducting reading room and granting scholarships to school and college students. In 1996, Justice Mehta was also appointed as a Member of the Review Committee constituted under the Narcotic Drugs and Psychotropic Substances Act.

In his passing away, we have lost an eminent jurist, a social worker and a 'friend, philosopher and guide' of students. In this hour of grief, on behalf of my esteemed colleagues, on my own behalf 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 this great loss and may the departed soul rest in eternal peace.

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As a mark of respect to the departed soul, we will observe two minutes' silence.

REFERENCE MADE BY SHRI GOOLAM VAHANVATI, ADVOCATE-GENERAL OF MAHARASHTRA, TO LATE SHRI JUSTICE DINSHAW N. MEHTA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON WEDNESDAY, 23RD JULY, 2003.

My Lord, the Chief Justice, Her Ladyship, Justice Tahilramani, Mr. Dhakephalkar, President of Advocates' Association of Western India, Mr. Rajiv Patil, Vice-Chairman, Bar Council of Maharashtra & Goa, Mr. Dada, President of the Bombay Bar Association, members of the family of late Justice Dinshaw Mehta and friends,

We are assembled here today to mourn the sad passing away of Mr. Justice Dinshaw N. Mehta, who was a judge of this Hon'ble Court for a long tenure of 12 years from 1978 to 1990.

I have very vivid and fond memories of Justice Mehta. As a struggling junior in one of my first matters I was briefed to appear before Justice Mehta when he was a judge of the Bombay City Civil and Sessions Court. I entered the court with an enthusiasm born out of inexperience which helped to conceal my nervousness. Soon he made me comfortable. It was an outstanding experience to appear in his court. He conducted himself with tremendous but quiet dignity. He treated all members of the Bar uniformly and with unfailing politeness. Francis Bacon said that if a man is gracious and courteous to strangers it shows that he is a citizen of the world. Measured by this standard, Justice Mehta was not just a good Judge; he was a citizen of the world.

After having served in the City Court, he was elevated to this Hon'ble Court in 1978. I remember the function organized in the Bombay Bar Association to felicitate Justice Mehta as if it were just yesterday. He gave a speech which impressed all of us considerably. In fact it still echoes in my memory. He had taken great pains over his speech. He laced it with anecdotes and humour. I remember that he quoted extensively from the famous incident involving the verbal duel between F.E. Smith and the much talking Judge. He delivered his speech with a dry sense of humour and understatement which was so typical of him.

The hallmark of a good judge is when people leave the court, they must feel that they have been heard fairly and courteously. All lawyers and litigants who came out of Justice Mehta's court left with a feeling that they had been treated courteously and fairly. What more can one say in praise of a Judge? Justice Mehta was a good judge, and a good man, and a good human being.

One of the controversial matters which Justice Mehta did was the trial of Mr. A.R. Antulay, former Chief Minister, who was accused of corruption. After an extensive hearing Justice Mehta framed 21 charges and discharged the accused in respect of the remaining 22 charges. This was a matter which was bitterly fought. Sadly, even the legal personalities involved had become too personally involved in the litigation. His order was carried in appeal to the Supreme Court. At the end of the judgment the Supreme Court made it a point to observe, not once but several times, that Justice Mehta had dealt with the case absolutely fairly and impartially.

After he demitted office in 1990, Justice Mehta had an active retired life. He performed several public duties being associated with various Committees, including the Legal Advisory Committee of Shivaji University, Kolhapur, the TADA Review Committee and the NDPS Review Committee. In February, 2001 the World Zoroastrian Association honoured two former judges of our Court, Justice Lentin and Justice Mehta, with a Lifetime Achievement Award. Both richly deserved the honour.

In the end, I would like to quote Cicero who said, "it is a man's manners and character that most become him." Justice Mehta had impeccable manners and a sterling character. He leaves behind a long and enduring fragrance. We will all miss him. I join my Lord the Chief Justice in extending my sincerest condolences to the members of his family.

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REFERENCE MADE BY SHRI P.K. DHAKEPHALKAR, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA, TO LATE SHRI JUSTICE DINSHAW N. MEHTA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON WEDNESDAY, 23RD JULY, 2003.

My Lord, the Chief Justice, Mrs. Justice Tahilramani, the Advocate-General, the Vice-Chairman of the Bar Council of Maharashtra & Goa, President of the Bombay Bar Association,

I fully endorse the view expressed by all of you and I beg to add few words of mine.

Justice Mehta passed his matriculation examination from Sardar Dastur Boys School and obtained his Bachelor of Arts (Hons.) Degree from Wadia College. He did his graduation in Law in the year 1952.

Throughout his college career, Justice Mehta participated in various elocution and debating competitions. He was appreciated as a fluent and forceful speaker. In fact he won numerous trophies in debating competitions and in 1946 he won All India Debating Competition at a young age of 18.

He was enrolled as an advocate of Bombay High Court in April, 1952 and he commenced his law practice in Bombay City Civil & Sessions Court as well as Bombay High Court.

He was closely associated with senior Counsel of those days M/s. Baji Mistry and Thakore Godiwala.

In 1964, he was appointed on the panel of Special Public Prosecutors in the Court of Sessions at Bombay.

In 1968, he was appointed as a Judge of the City Civil and Sessions Court at Bombay.

In 1978, Justice Mehta was elevated to the Bench of the Bombay High Court, superseding three other senior colleagues, which was in recognition of his outstanding capacity as a Judge of the City Civil Court.

Throughout his life, Justice Mehta was a very humble man. He was very courageous. Whatsoever may be the assignment, he never refused to take up the challenge. He would take up assignment whether it was a high profile or not; or whether it was fraught with danger or not.

Everybody knows that he tried famous A.R. Antuly's case in Bombay High Court and at that time he refused any personal protection offered by the authorities.

Very few people know that he was appointed as a one man Commission to probe the Khalistan issue in Punjab when the situation there had reached a crisis of grave magnitude. He had a very handsome and imposing personality. He was soft-spoken, yet firm. He was always most courteous to the members of the Bar. At the same time he was firm when dealing with any member of the bar, who crossed his limit. A month before his retirement in 1990, Justice Mehta informed a very senior Counsel in no uncertain terms that "the Court would not be dictated by any Counsel howsoever senior he may be".

He always gave utmost importance to the harmony between the Bench and the Bar.

Addressing the Nagpur High Court Bar Association's members in 1988, Justice Mehta voiced his deep concern about increasing, unnecessary and uncalled for trend of confrontation between the Bench and the Bar and had remarked that "if this practice continues, it would spell the ruin of administration of justice in India". He concluded his speech with a Latin maxim carved on the Crawford Bailey Court at London, saying "even though heavens may fall, yet justice be done".

After his retirement also, he continued to work and he associated with various causes. He was on the Review Committee of TADA as well as the Review Committee of NDPS Act. He was a Trustee of internationally reputed K.R. Cama Oriental Institute, which promotes research in Iranian and Zoroastrian studies.

Justice Mehta was most down to earth and humble. In 1968, when he was appointed as a Judge of the City Civil Court at Bombay, in response to the felicitation by the Bar Association, he concluded thus :-

"For today, I shall only state this;

At the end of my sojourn on the bench, I shall be satisfied if it be said of me that 'he did his duty according to his lights'. Then let the critics say that, 'may be so, but those lights were rather dim', I shall not mind.

I shall be satisfied if it were said of me that 'he stuck to the letter and word of the record and did not stray into the realm of imagination'. Then let the critics say 'that was because he had no imagination at all'. I shall not mind.

I shall be satisfied if it were said of me 'although by no means brilliant, at least he was honest'. Then let the critics say 'that was because he lacked the courage of the corrupt'. I shall not mind."

But, My Lords, may I say this, that at the end of his career, the critics said that the lights were shining bright. The critics said that he was pragmatic and had a great experience to read between the lines. And the critics said that he was honest to the core and had courage to refute all allurements in life.

The members of the Advocates' Association of Western India share the grief of Justice Mehta's family and pray to God that "May his soul rest in peace".

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REFERENCE MADE BY SHRI RAJIV PATIL, VICE-CHAIRMAN, BAR COUNCIL OF MAHARASHTRA & GOA, TO LATE SHRI JUSTICE DINSHAW N. MEHTA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON WEDNESDAY, 23RD JULY, 2003.

Hon'ble Chief Justice, Shri C.K. Thakker, Hon'ble Justice Smt. Tahilramani, Hon'ble Advocate General, Shri Goolam Vahanvati, Hon'ble President of Advocates' Association of Western India, Shri Prasad Dhakephalkar, Hon'ble President of the Bombay Bar Association, Shri Rafiq A. Dada, ladies and gentlemen,

We are hereto express our deep feelings for Hon'ble Justice Dinshaw Nussarwanji Mehta who departed our Company and sailed for heavenly abode on 6th July, 2003.

Hon'ble Justice Dinshaw Mehta was not only a great soul but was the most forthright and smiling personality in Bombay High Court. I was fortunate enough to appear before him in my initial days of practice when I experienced his great effort to encourage juniors and make them comfortable while arguing the cases. I had great opportunity to appear before him with my other junior colleagues in many of the important cases like Antulay case, which went on continuously for more than three years, where I experienced the great confidence developed in me by the Judge of the Bombay High Court. I treat him as jewel in the judiciary of Bombay High Court which I cannot compare with. Justice Mehta always told us to be honest with your case, present it without fear and favour and to rest. The confidence he developed in the minds of juniors at that stage was phenomenal and many of us could look beyond our capacities and it is simply because of Justice Mehta.

Justice Mehta started his career as Advocate and opened his first brief in the year 1952 and within short period his talent was noticed by the Bar and the Bench and he was appointed as Special Public Prosecutor in the year 1964. Within four years he was elevated as Judge of City Civil and Sessions Court, Bombay. As the destiny could not wait for long, Hon'ble Justice Mehta was elevated to the seat of the Bombay High Court on 7th August, 1978. Hon'ble Justice Mehta had longest career as a Judge of Bombay High Court till 1990 when he retired.

A Parsi gentleman graduated in the year 1950 never looked back in his career as he was the most respectable successful lawyer and as a great Judge. It is our great loss today that we see the void to compensate Justice Mehta in the legal fraternity. The man who had tremendous contribution in judiciary also had contribution in charity and education. After his retirement as a Judge of the Bombay High Court he was appointed as a nominee of the Governor of Maharashtra, the Chancellor, on the Management Council of Shivaji University of Kolhapur. He has done greatest contribution to develop the propagation and research of ancient oriental and Indian culture. He was a Trustee of Framjee Cawasjee Institute for Scholarship of students.

Justice Mehta also contributed his legal acumen as Chairman of Review Committee under Terrorists and Disruptive Activities Act and as a Member of the Review Committee under the Narcotics Drugs Psychotropic Substances Act.

On behalf of the Bar Council of Maharashtra and Goa, as Vice-Chairman, I pay my tribute to the great soul and pray that his soul may rest in peace.

REFERENCE MADE BY SHRI R.A. DADA, PRESIDENT OF THE BOMBAY BAR ASSOCIATION, TO LATE SHRI JUSTICE DINSHAW N. MEHTA, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON WEDNESDAY, 23RD JULY, 2003.

My Lord the Chief Justice, My Ladyship, Mrs. Justice Tahilramani, Advocate General, Chairman of Bar Council of Maharashtra and Goa, President of 'Advocates' Association of Western India, ladies and gentlemen,

On behalf of the Bombay Bar Association, I endorse the sentiments expressed by my Lord, the Chief Justice, and my colleagues.

I met Mr. Justice Mehta at the bar when he worked as a Public Prosecutor at the Sessions Court. As a matter of practice, Mr. Mehta, as he then was, came to the Bombay Bar Association for a cup of tea. His stint as a Prosecutor was very exacting. His reputation was that of a fair and fearless Prosecutor. Soon he was elevated to the City Civil and Sessions Court. As a judge of the City Court, he brought to bear upon his work his treat experience in criminal and civil cases

His elevation to the High Court came in 1978. In his tenure he heard and decided many complex cases. He took up many matters on the Original Side. He was respected and widely admired for his courtesy. He was a kind judge, quiet, soft-spoken and very cultured.

On his retirement he went quietly away into the landscape. But unobtrusively and silently he rendered a lot of public service. He was associated with education as a Chancellor's nominee in the Shivaji University. He worked as Chairman of the TADA Committee and rescued many an innocent victim of executive caprice. He worked as a Member of NDPS Review Committee.

The death of Mr. Justice Mehta came as a shock to all of us. In death he quietly went away into the wilderness of eternity.

I extend my condolence to Mrs. Mehta, his constant companion, and to the members of his family.

May his soul rest in peace.

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