

**REFERENCE MADE BY THE HON'BLE SHRI K. MADHAVA REDDY,
CHIEF JUSTICE TO THE LATE SHRI N. A. MODY, EX-JUDGE,
ON 11TH DECEMBER 1984.**

Mr. A. V. Savant, Advocate-General, Mr. R. S. More, Government Pleader, Mr. G. A. Thakkar, on behalf of the Bombay Bar Association, Mr. S. B. Naik, President, Western India Advocates' Association, Mr. J. P. Thakkar, President, incorporated Law Society, Bombay and Members of the Bar :

We meet here today to mourn the passing away of one of the distinguished Judges of this Court Shri Nalinikant Ambalal Mody. Born on 2nd March 1910, he did his schooling in Elphinstone Group of Educational Institutions. He graduated from Elphinstone College and after taking his law degree he was enrolled as an Advocate on the Original Side on 12th March 1935. He soon built up a reputation for thoroughness, in preparation, clarity in expression and persuasion in advocacy. He had command over all branches of civil law but worked predominantly on commercial law and Land Acquisition and other general work on the Original Side of the Bombay High Court. When he was elevated to the bench of the Bombay High Court as Additional Judge on 1st March 1957, he sacrificed a large and lucrative practice which he had built up by sheer dint of merit. The bar unanimously felt that it was a great loss to its ranks but Bench felt a worthy addition to its ranks. Within a few months on 15th December 1957 he was made a

permanent Judge of this Court. As a Judge he brought to bear upon his duties his great learning and experience, and exhibited the same thoroughness for which he was known while as a lawyer. He went about his task with a high sense of duty and filled the office with dignity and competence. He had no pre-conceived notions or prejudices and was not swayed by the high stakes involved or the meagre value of the matter before him. He had a passion for doing justice for he always felt that each matter was equally important to the parties concerned. He had remarkable fund of patience and in the true sense of the term he wanted that justice should not only be done and not merely appear to be done but that both parties should leave his court convinced that justice was in fact done to them. He was a hard task master and expected thorough preparation and high standards of advocacy and professional conduct from the members of the bar. Excellence was his ideal. He strove to achieve it and expected the bar to strive towards that end. It was not uncommon to find him pulling up the counsel for not doing justice to the client and the case. But he was always humane in his approach and sympathetic towards the parties and their counsel. He would not hustle under the pressure of mounting arrears. He was never in a haste to dispose of a case. He never spared any pains to see that justice was done in every case that came up before him. He gave a very patient hearing to every cause and discharged his duties with such conscientious and

untiring devotion that he earned the respect of the Bench and the bar alike. He had a passion to do justice and strained himself to go through the entire record in an anxiety to arrive at the truth in the case. He tried to bring about a just and fair settlement of disputes and prevent ruinous litigation, and endeared himself to the lawyers and litigations alike. He adorned this Court for 15 years and had privilege of acting as its Chief Justice. During his tenure he suffered physical affliction but that did not come in the way of his discharging his duties. In spite of that he exhibited the same devotion to duty.

On his retirement the members of the bar and the Bench alike felt that they were losing a very eminent Judge of this Court, who had earned the esteem and affection of all concerned with the administration of Justice. He was above all a Judge with a human touch. He had also a varied interest in life. He took keen interest in sports. He was also the president of the Willingdon Sports Club for a number of years. After his retirement, he kept his interest in law. He had been ailing for a few months now. His end came suddenly yesterday in the early hours. The large attendance of the members of the bar to pay him homage speaks volumes of the deep affection and regard they had for him. My colleagues and myself join the members of the bar in conveying our deep and heartfelt condolences to the members of the bereaved family and especially Shri A. N. Mody, his illustrious son who

himself has been on the bench of this Court for some time and is now a senior member of the Bombay Bar.

May his soul rest in peace.

D/- 11th December 1984

(K. Madhava Reddy)
Chief Justice

MR. A. V. SAVANT
ADVOCATE-GENERAL.

11-12-1984

My Lord the Chief Justice, Mr. Justice Gadgil and members of the bar -

On behalf of the Bar, I associate myself with the touching sentiments expressed by My Lord the Chief Justice on the passing away of Mr. Justice N. A. Mody. Justice Mody had a very successful career at the Bar. He was a very bright junior and worked in the chambers of Shri Mangal Desai who later on became the Judge of This Court. It was at a great personal sacrifice that Justice Mody himself accepted the invitation to become a Judge in March 1957. For 15 years Justice Mody administered justice and made his mark in all branches of law particularly the Commercial Law and the Land Acquisition matters.

Justice Mody had always been a very pain-staking and patient Judge. He believed in giving full opportunity to the Advocates to present their case. He particularly encouraged junior members of the Bar and treated them with utmost courtesy. However, appearance of any counsel or any litigant made no difference whatsoever to the approach of Justice Mody since the sole consideration was to administer Justice according to law.

I myself distinctly remember that when Justice Mody was hearing Writ Petitions with Justice Chandrachud, he took great pains to

verify the pleadings and to insist on the affidavits being properly drafted. Justice Mody was very meticulous about the affirmation clause and insisted on parawise affirmation. Justice Mody believed in absolute certainty and clarity of expressions. His Judgments speak volumes for his remarkable and lucid style of applying the principles of law to the facts of the given case. Whether it was a matter under the Constitutional Law or the Commercial Law or the Land Acquisition Act or the Bombay Tenancy Act, Justice Mody's judgments bear this stamp throughout. Unfortunately at the end of his career as a Judge, his eye-sight was affected but we have seen that despite this handicap, he took great pains to conscientiously discharge his duties to the satisfaction of the lawyers and the litigants.

Justice Mody was a man of many parts and very ably discharged the onerous duties of the judicial and extra-judicial nature as a senior Judge of this Court. He was the President of the Wellington Sports Club for a very long tenure I am told by some of the members of the club that during his tenure as the President, he managed the affairs of the club with the skill of an able administrator.

In the death of Justice Mody we have lost a very humane person who made his mark not only as a lawyer and Judge but in all walks of life. May I joint My Lord the Chief Justice in praying to the Almighty that may his Soul rest in eternal peace.

MR. R. S. MORE,
GOVERNMENT PLEADER

I associate myself with the rich tributes paid by My Lord, Hon'ble Chief Justice and Learned Advocate General, to the memory of Late Mr. N. A. Mody.

Late Justice Mody had a brilliant academic career, several years of the bar and a vast judicial experience, He led a successful years of his life.

As a Judge, he had always been courteous and kind hearted. He was a meticulous, painstaking Judge with a keen desire to do justice. He possessed profound knowledge of law, patience and quick grasp of the matter. With all these qualities in abundance, he discharged his duties to the satisfaction of all. During his judicial career, he sat on Appellate Side for number of years and I can say with pride, that members were happy and too eager to work out their matters in his court, as he had been kind and patient. Personalities never weighed with him. At the same time, he never possessed preconceived notions and views. He reflected on effortless self possession and self control but also a cool and collected temperament of an ideal judge. His legal acumen and judicial abilities were of high order reflecting the control loyalty to Rule of Law and spirit of justice. Everybody came out of his Court with full satisfaction of 'justice' in the matter.

The ideal kept by him before him, while discharging duties was

guideline for his exemplary judicial career viz., "Do not be swayed by your seat, your seat of judicial power".

Rich and glowing tributes were paid by the legal fraternity, when he laid down his office on 1-3-72 and the speech delivered by him, in reply to the said farewell, is quite inspiring and throws great light on his high sense of dedication and devotion to the cause of justice.

Late Justice Mody was very humane and quite alive to the sufferings and miseries of large number of workmen, who lose their job and earnings, when the company/industrial establishment is being wound up in winding up proceedings. It was Late Justice N. A. Mody who was pioneer in framing a Scheme whereby the unit can be reorganised and the workmen can also be provided with their jobs. The said pattern was thereafter evolved in number of companies with the State assistance.

Late Justice N. A. Mody had a high sense of duty and work, despite failing health and eye sight of one eye; during last days of his tenure as a Judge, still he could work up late hours and read all the papers. Being very meticulous, painstaking, well mannered, were the basic tenets of his life.

In his death, Bar has lost a valued friend, a devoted and dedicated Judge; who possessed all throughout his life a high sense of justice.

May we pray to All Mighty God that his Soul may rest in peace.

MR. G. A. THAKKER,
ON BEHALF OF BOMBAY BAR ASSOCIATION.
11-12-1984

May it please Your Lordship and My Lord Mr. Justice Gadgil.

On behalf of the Bar Association, I associate myself with whatever Your Lordship has said about Late Mr. N. A. Mody. When I joined the Bar in 1943, I used to see him practising on the Original Side of the Bombay High court. I had the privilege to know him both as an Advocate as well as a colleague at the Bench. I had appeared with him as a junior. I had appeared against him. I had appeared before him as a Judge and I had also worked along with him as a colleague at the Bench. As a member of the Bar I had noticed that he was thorough in the matter in which he appeared. He was a clever cross-examiner and made searching cross-examination of the witness. He acquired considerable experience in the commercial matters and the land acquisition matters when he appeared before Mr. Justice Tendolkar. He was a meticulous Judge and always required the Advocate appearing before him to be well prepared. When he was elevated to the Bench he had a lucrative practice. As a Judge I found that he was a conscientious Judge. He discharged his duties as a Judge to the satisfaction of all. Whether a junior appeared before him or a senior appeared before him, made no difference whatsoever. He brought about settlements in large number of land acquisition matters to the satisfaction of

all, both the Government as well as the citizen. He had a zeal to do justice and substantial justice was done to the satisfaction of all. His principles of law was very sound.

I, on behalf of the Bar and on my behalf, convey my sympathies to the members of the bereaved family and I pray to the Almighty that his soul may rest in eternal peace.

MR. S. B. NAIK
PRESIDENT
WESTERN INDIA ADVOCATES' ASSOCIATION.
11-12-1984

My Lords,

On behalf of the Advocates' Association of Western India, I associate myself with the sentiments expressed by My Lord the Chief Justice and my learned friends.

My Lords Mr. Justice Mody was the Judge of this Hon'ble Court from 1957 to 1972. During his tenure as a Judge of this Court, we had a Judge who was committed to the cause of justice. In his Court every lawyer irrespective of his seniority at Bar found himself comfortable. It is true that those of us who were not ready with their cases were reprimanded by the Judge but it did not affect the ultimate result of the case.

Mr. Justice Mody suffered from serious eye trouble. But in spite of it, he continued his work in usual manner and never shirked from reading all the papers in a case before him. My Lords in the death of Mr. Justice Mody, we have lost a genial personality. My Lords on behalf of the Advocates' Association of Western India, I extend our condolences to the members of the bereaved family.

MR. J. P. THACKER
PRESIDENT
INCORPORATED LAW SOCIETY
11-12-1984

My Lord the Hon'ble Chief Justice and Mr. Justice Gadgil,

I pay tributes to the departed soul on behalf of the Bombay Incorporated Law Society and on my own behalf.

In the sad demise of Mr. Justice N. A. Mody, we who know him closely have lost a warm friend and an able adviser.

After a large and lucrative practice at the Bar, he came to adorn the Bench of our High Court.

As a Judge he saw the whole picture and was never given to superficial judgments either on events or individuals.

He took endless trouble to get at all the relevant facts of a situation. His insight and judgment were as near perfect as any human can expect.

He never shirked issues, and his mind retained its analytical and crystal clearness right up to the time the last of his judgment was delivered.

He also saw the lighter side of events, and though forthright always, he was capable of taking the larger and more charitable view of man's actions.

No junior was at a disadvantage in his court. He treated with courtesy the juniors and seniors alike.

His knowledge of law and particularly of commercial law was remarkable. He was familiar, not only with law but with intricacies of different trades and businesses of this metropolitan city.

His energy and erudition were enormous, yet he had the priceless gift of being able to make junior lawyers feel in his presence that they were clever too.

He united a sharp eye and shrewd mind with unlimited kindness and a deep humility.

He was seldom overturned by the Court of Appeal, and when so overturned, the Supreme Court restored his judgments.

I respectfully join your Lordship and my colleagues in the prayer that the soul of Mr. Justice N. A. Mody may rest in eternal peace, and his abiding memories may live for long.