

SPEECH OF HON'BLE SHRI JUSTICE ALOK ARADHE, CHIEF JUSTICE, BOMBAY HIGH COURT, AT THE FULL COURT REFERENCE IN MEMORY OF LATE JUSTICE DINANATH JANARDAN MOHARIR, FORMER JUDGE, BOMBAY HIGH COURT, ON 26TH MARCH, 2025 AT 4.45 P.M.

My esteemed colleagues on the Bench,

**Mr. Anil C. Singh,
Additional Solicitor General of India,**

**Dr. Birendra Saraf,
Advocate General for the State of Maharashtra**

**Dr. Uday P. Warunjikar,
Member, Bar Council of Maharashtra & Goa**

**Mr. Nitin Thakker,
President, Bombay Bar Association**

**Mr. Prashant Relekar,
President, Advocates' Association of Western India**

**Ms. Rashna Khan,
Secretary, Bombay Incorporated Law Society**

Learned Senior Advocates and members of the Bar,

Bereaved Members of late Justice Moharir family,

Members of Registry and staff,

Ladies and Gentlemen!

.....

We have assembled here to pay tribute to late Justice Dinanath Janardan Moharir, who left us on 24th January, 2025.

Late Justice Moharir was born on 1st July, 1931 at Yavatmal. He obtained Bachelor's Degree in Science and Master's Degree in Arts from Nagpur University. Thereafter, he secured the Bachelor's Degree in Law in 1956. His Lordship got enrolled as an Advocate on 9th October, 1956 and commenced practice.

After two years of practice in Civil, Criminal, Industrial and Labour laws, His Lordship joined judicial service with his appointment as Civil Judge, Junior Division on 6th October, 1958. During his long tenure in District Judiciary, His Lordship served as Assistant Judge & Additional Sessions Judge; District & Sessions Judge; Judge, Bombay City Civil & Sessions Court; Deputy Charity Commissioner and as a Selection Grade District Judge at various places in the State of Maharashtra.

His Lordship was elevated as an Additional Judge of Bombay High Court on 24th May, 1989 and was confirmed as a Permanent Judge on 26th April, 1990. He demitted office on 1st July, 1993.

As a Judge of the Bombay High Court, His Lordship authored several judgments. Law Reports bear testimony to his erudition.

His Lordship was admired for his calm and composed demeanor, earning him respect in the legal community.

His Lordship even after demitting office remained involved in the legal field. His Lordship had served as Presiding Officer of University and College Tribunal, at Nagpur. Throughout his career, His Lordship mentored Law students, presided over legal seminars and workshops and offered necessary guidance, particularly to Junior Lawyers.

Beyond court work, His Lordship was an avid reader of English and Marathi literature. He loved music, arts and sports particularly, cricket and badminton. His Lordship was known for his beautiful, print-like handwriting.

His Lordship is survived by his four children – Anuradha, Shrinath, Gananath and Dr.Mahendranath.

On behalf of my colleagues on the Bench and on my own behalf, I extend heartfelt condolences to the family members of late Justice Moharir and pray to the Almighty to bestow peace to the departed soul.

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**SPEECH OF SHRI ANIL C. SINGH, ADDITIONAL SOLICITOR
GENERAL OF INDIA -**

Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

**Dr.Birendra Saraf,
Advocate General for the State of Maharashtra**

**Dr.Uday P. Warunjikar,
Member, Bar Council of Maharashtra & Goa**

**Mr. Nitin Thakker,
President, Bombay Bar Association**

**Mr. Prashant Relekar,
President, Advocates' Association of Western India**

**Ms.Rashna Khan,
Secretary, Bombay Incorporated Law Society**

Learned Senior Advocates and members of the Bar,

Bereaved Members of late Justice Moharir family,

Members of Registry and staff,

Ladies and Gentlemen!

I share the sentiments expressed by the Hon'ble Chief Justice. The passing away of Justice Moharir is a loss to the legal profession and to the society in general.

Justice Moharir was known as upright, brilliant, frank, independent, straight forward and a clear headed Judge.

Justice Moharir was born in pre-independence era in the year 1931 at Nagpur. After completing his law from Nagpur, he got enrolled as an advocate with the Bar Council of Maharashtra and Goa in 1956 and started his practise at Nagpur. His practise as an advocate ceased, when he took up judicial office by being appointed as Civil Judge Junior Division in the year 1958. From thereon, its being a long and successful tenure for Justice Moharir as part of judiciary. Before he was elevated

as a Judge of Bombay High Court, he was promoted as Assistant and Additional Sessions Judge and thereafter as District and Sessions Judge and served at various parts of the State including in the Mumbai City Civil and Sessions Court.

Justice Moharir's contribution to the field of law and its development is immense. He was an articulate draftsman. He was known to be very hardworking and workaholic judge and always encouraged junior members of the Bar.

He always preferred short arguments and his judgements would be very brief but would cover all the issues raised in the matter. Sometimes, if the stenographer was not available, he used to write judgements by his own hand writing.

He has delivered various important judgements on various subjects and particularly related to civil rights, maintenance, criminal law and Hindu marriage Act.

He was admired by judicial officers and judges from lower judiciary who considered him as their friend, guide and philosopher.

I am told by some of the senior lawyers from the City Civil Court that he had a passion for sports specially cricket and he used to play in cricket matches between lawyers and judges.

His passing away is not only a loss to the members of his family and friends but also to the bar and the legal fraternity.

I express my deepest condolences for the departed soul.

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SPEECH OF DR. BIRENDRA SARAF, ADVOCATE GENERAL FOR THE STATE OF MAHARASHTRA -

Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

**Shri Anil C. Singh,
Additional Solicitor General of India,**

**Dr.Uday P. Warunjikar,
Member, Bar Council of Maharashtra & Goa**

**Mr. Nitin Thakker,
President, Bombay Bar Association**

**Mr. Prashant Relekar,
President, Advocates' Association of Western India**

**Ms.Rashna Khan,
Secretary, Bombay Incorporated Law Society**

Learned Senior Advocates and members of the Bar,

Bereaved Members of late Justice Moharir family,

Members of Registry and staff,

Ladies and Gentlemen!

...

We assemble today to pay tribute to Justice D. J. Moharir, a former Judge of our Court.

Starting in 1976, Justice Moharir had a journey of 17 years as a Judge. Justice Moharir carried to the High Court his rich experience as a District Judge. Justice Moharir retired just one year after I walked into a law college. I never had the privilege of meeting Justice Moharir. However, the legacy of a Judge extends far beyond the tenure on the Bench. It is etched in the judgments they delivered and the judgments are a reflection of their values, wisdom and commitment to justice.

Justice Moharir, in the short span of four years, when he was a Judge of this Court, delivered various judgments which helped the development of law. I went through a few judgments of Justice Moharir and found that he dealt with a wide range of subjects both on the civil and the criminal side. On criminal side, Justice Moharir's judgments reflected a deep understanding and incisive analysis of the criminal law. Critically analyzing Section 307 of the Criminal Procedure Code, relating to tender of pardon, Justice Moharir in the case of *Tukaram vs. State of Maharashtra 1993 Mh.L.J. 1693*, held that it is the recommendation of the Investigating Officer rather than that of the Public Prosecutor which must be considered. In *Tarabai vs. State of Maharashtra*, Justice Moharir interpreted Section 41(h) of the Bombay Village Panchayat Act and held that it is only the arrears of the Gram Panchayat to which election is sought which would lead to disqualification and not the arrears of some other Gram Panchayat.

He was also a part of a Full Bench of this Court in the case of *Joseph John Carvalho vs. Leila Joseph Carvalho 1992(2) Mh.L.J. 1566*, where interpreting the provisions of the Indian Divorce Act regarding jurisdiction to pass a Decree of Nullity of Marriage, this Court held that the High Court has exclusive jurisdiction when the petition is for Decree of Nullity of Marriage on the ground that the consent of either party was obtained by force or by fraud.

He had judgments on a wide range of subjects including labour laws. These judgments reflected a deep understanding of law and commitment to justice. They demonstrate Justice Moharir's ability to do justice between the parties and at the same time, respect the bounds of the prevailing law.

In Justice Moharir, we have lost a scholarly and erudite judge. However, the legacy which he has left behind him in the form of his judgments will continue to guide the legal fraternity.

On behalf of the State of Maharashtra and my fellow lawyers, I pray that his soul rests in eternal peace and I convey my heartfelt condolences to his family members.

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**SPEECH OF DR. UDAY P. WARUNJIKAR, MEMBER, BAR COUNCIL
OF MAHARASHTRA & GOA -**

Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

**Shri Anil C. Singh,
Additional Solicitor General of India,**

**Dr. Birendra Saraf,
Advocate General for the State of Maharashtra,**

**Mr. Nitin Thakker,
President, Bombay Bar Association**

**Mr. Prashant Relekar,
President, Advocates' Association of Western India**

**Ms.Rashna Khan,
Secretary, Bombay Incorporated Law Society**

Learned Senior Advocates and members of the Bar,

Bereaved Members of late Justice Moharir family,

Members of Registry and staff,

Ladies and Gentlemen!

..

Today, we have gathered here to remember and pay tribute to Hon'ble Justice Moharir, a respected judge and a fine human being.

I fully associate myself with the sentiments expressed by the Hon'ble Chief Justice and my fellowjoined speakers before me.

On behalf of the Bar Council of Maharashtra and Goa - our Chairman, Vice-Chairman, member of the Bar Council of India, and all elected members, I offer my deepest condolences to the family of Justice Moharir.

I was not fortunate enough to appear before him, as he had already retired before I got my sanad in 1994. However, with the help

of our Hon'ble Member, Shri Parijat Pande, and other respected members from Nagpur, I have learnt about his remarkable journey.

Justice Moharir was born in Yavatmal and started his legal career in Nagpur. After completing his B.Sc., he practiced for 2 years after sanad. He joined the judicial services and served in various places across Maharashtra, including Nashik, Amravati, Dhule, Thane, and Pune. He also worked as Deputy Commissioner for Nashik and later served as a Judge of the City Civil Court in Mumbai.

In 1989, he was appointed as a Judge of our High Court and served with dedication until his retirement on 1st July, 1993. Even after retiring, he continued contributing to the legal field. He served as the Presiding Officer of the University and College Tribunal in Nagpur and was often invited as a guest for moot courts and legal seminars.

Justice Moharir was not just known for his judgments but also for his love of sports. He had a keen interest in badminton and cricket and actively participated in matches between judges and lawyers.

Many of his judgments, especially in criminal law, are still referred to in courts today. One of his important rulings on Letters Patent Appeals continues to be cited as a precedent. This judgment was delivered by him while sitting with Justice (ret'd.) V. A. Mohta.

On 24th January 2025, Justice Moharir passed away. He is survived by his four children, and his grandson is carrying forward his legacy as a lawyer at the Nagpur High Court.

We will always remember his contribution to the judiciary and the legal profession.

On behalf of myself and the Bar Council of Maharashtra and Goa, I pray that his soul rest in peace.

Om Shanti, Shanti, Shanti.

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SPEECH OF SHRI NITIN THAKKER, PRESIDENT, BOMBAY BAR ASSOCIATION -

Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

**Shri Anil C. Singh,
Additional Solicitor General of India,**

**Dr. Birendra Saraf,
Advocate General for the State of Maharashtra,**

**Dr. Uday P. Warunjikar,
Member, Bar Council of Maharashtra & Goa,**

**Mr. Prashant Relekar,
President, Advocates' Association of Western India**

**Ms. Rashna Khan,
Secretary, Bombay Incorporated Law Society**

Learned Senior Advocates and members of the Bar,

Bereaved Members of late Justice Moharir family,

Members of Registry and staff,

Ladies and Gentlemen!

We have gathered today to remember and pay homage to Justice Dinanath Janardan Moharir, who left us a while ago.

I fully associate myself with the sentiments expressed by my Lord the Chief Justice and the distinguished previous speakers.

In his career, Justice Moharir held various esteemed positions from serving as a District Judge (1976) and Selection Grade District Judge (1985) to his tenure in the City Civil Court of Greater Bombay. His elevation to the bench of the Bombay High Court, first as an Additional Judge (1989) and later as a Permanent Judge (1990), stands as a testament to the trust and confidence reposed in him by the legal community.

Justice Moharir's judicial legacy is best reflected in the diversity of cases he adjudicated.

1. In a notable decision, he addressed the practice of unnecessary handcuffing in custody, underscoring that state action must never compromise on human dignity or constitutional guarantees. This ruling set a higher standard for police conduct and affirmed the rights of the individual. (*Bhimrao Ashruji Mhaske vs State of Maharashtra and Anr.*)
2. In another notable case involving allegations of criminal breach of trust and abuse of legal process, his incisive analysis cut through complexities to prevent misuse of the judicial system. His reasoning demonstrated a commitment to ensuring that the law is not exploited as an instrument of private vengeance, but rather, as a means to secure justice for all. (*C.J. Shah and Ors. Vs Brij Mohan Wadhwa and Anr.*)
3. In matters of family and personal law, his balanced approach in addressing issues of marital discord, cruelty allegations, and maintenance entitlement demonstrated his deep sensitivity towards personal hardship, reinforcing the principle that the vulnerable deserve protection and support. (*Sou. Sanjeevani Anil Wadnere vs Anil Murlidhar Wadnere*) (*Mustafa Shamsuddin Shaikh v. Shamshad Begum*)
4. In a case where inflammatory remarks sparked a riot in Bombay city in 1988, the bench of which Justice Moharir was a member intervened decisively to prevent further violence and restore public order. His action in this matter underscored his profound commitment to safeguarding the larger interests of society and ensuring communal harmony. (*State of Maharashtra Vs Mohammed Yusuf Noormohammed & Ors.*)

Some of the senior members of the Bar remember him as tall, well dressed and extremely courteous. He never offended the members of the Bar. He was very congenial and a very pleasant person. He was part of city's cultural scene.

He was lover of music and was a very good player of harmonium. I am informed that amongst other sports, his Lordship played tennis.

He was a good human being and compassionate person. While being posted at Dhule, his pet dog died. He performed all rituals for his pet like he was a family member.

In remembering Justice D. J. Moharir today, we are not only celebrating his landmark decisions but also the ideal path he created throughout his career. May his life and work inspire us to uphold the highest standards of fairness, compassion, and integrity.

On behalf of myself and all the members of Bombay Bar Association I extend heartfelt condolences to the bereaved family and pray that his should attains eternal peace.

Om Shanti ! ! !

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**SPEECH OF SHRI PRASHANT RELEKAR, PRESIDENT,
ADVOCATES' ASSOCIATION OF WESTERN INDIA -**

Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

**Shri Anil C. Singh,
Additional Solicitor General of India,**

**Dr. Birendra Saraf,
Advocate General for the State of Maharashtra,**

**Dr. Uday P. Warunjikar,
Member, Bar Council of Maharashtra & Goa,**

**Shri Nitin Thakker,
President, Bombay Bar Association,**

**Ms.Rashna Khan,
Secretary, Bombay Incorporated Law Society**

Learned Senior Advocates and members of the Bar,

Bereaved Members of late Justice Moharir family,

Members of Registry and staff,

Ladies and Gentlemen!

It is with profound grief that I stand before you today to pay tribute to a man whose life was a testament to judicial excellence – Hon'ble Justice Dinanath Janardan Moharir. Justice Moharir was not only a respected Judge but also a custodian of legal ethics. His courtroom was defined by uncompromising discipline, fairness, and clarity of thought. He ensured that justice was not merely delivered but was also seen to be delivered – upholding the principles of transparency, impartiality, and reasoned decision – making.

His elevation to the Bombay High Court as an Additional Judge on 24th May, 1989, and later, as a permanent Judge on 26th April 1990, was a testament to his legal acumen and deep understanding of

justice. He retired from service on 1st July 1993, leaving behind a legacy of fairness and discipline.

His understanding of the law was not confined to legal texts; he possessed a rare ability to see the human impact behind every judgment. To him, the law was not just a set of rules but a mechanism to ensure fairness in society.

The Advocates Association of Western India has long stood for legal integrity, professional discipline, and judicial excellence – values that Justice Moharir incorporated throughout his career. He believed that the dignity of the legal profession rested on those who practiced with honesty and upheld the highest standards of advocacy. He was not just a judge but a guardian of these ideals, inspiring young advocates to hold themselves to the same high moral and ethical standards.

His passing is not merely the loss of an eminent judge but the loss of a torchbearer of legal ethics and judicial discipline. The halls of this court will no longer echo with his measured words, but his principles will continue to guide us.

On behalf of the Advocates Association of Western India, I extend my deepest condolences to his family, friends, and the entire legal fraternity. His legacy will remain, not just in the judgments he authored, but in the integrity he inspired in all who knew him.

May his soul rest in peace.

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**SPEECH OF MS. RASHNA KHAN, SECRETARY, BOMBAY
INOCPORATED LAW SOCIETY -**

Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

**Shri Anil C. Singh,
Additional Solicitor General of India,**

**Dr. Birendra Saraf,
Advocate General for the State of Maharashtra,**

**Dr. Uday P. Warunjikar,
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President, Advocates' Association of Western India,**

Learned Senior Advocates and members of the Bar,

Bereaved Members of late Justice Moharir family,

Members of Registry and staff,

Ladies and Gentlemen!

Justice Moharir's legal journey began with his appointment as a District Judge in 1976, followed by his elevation to Selection Grade District Judge in 1985. Later he served in District and Sessions Court, Thane from January 1986 to June 1987 and District Court, Dhule from December 1976 to June 1980. Justice Moharir served as a Judge of the City Civil Court in Greater Bombay and as Additional Judge of the Bombay High Court in 1989. He was later made a permanent Judge in 1990, a position he held with unwavering commitment until his retirement in 1993.

Justice Moharir's judicial wisdom is evident in the many reported cases he presided over, particularly in areas such as the Hindu Marriage Act, the Indian Divorce Act, the Foreign Exchange

Management Act and under the Criminal Procedure Code. His decisions were rooted in principles of fairness and justice, qualities that made him a highly respected member of the legal community.

During his tenure, Justice Moharir sat on numerous Division Benches, with some of the most respected judges of this Hon'ble Court. Justice Moharir also presided on full Benches further cementing his reputation as a Judge of exceptional skill and integrity.

As we remember him today, we honor a man who dedicated his life to the rule of law and the service of justice.

On behalf of the Bombay Incorporated Law Society and myself, I extend heartfelt condolences to all members of Justice Moharir's family.

May his soul rest in peace.

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