

ADDRESS BY HON'BLE THE CHIEF JUSTICE SHRI DIPANKAR DATTA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI JUSTICE A.B. NAIK,
FORMER JUDGE OF THE BOMBAY HIGH COURT,
ON SEPTEMBER 7, 2021 AT 10.00 A.M. IN ROOM NO.46,
CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

My esteemed sister and brother Judges,

Shri Anil Singh,
Additional Solicitor General of India,

Shri Ashutosh A. Kumbhakoni,
Advocate General for the State of Maharashtra,

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

Shri Nitin Thakker, President, Bombay Bar Association,

Shri Kuldeep Patil, Secretary,
Advocates' Association of Western India,

Mr.Kaiwan Kalyaniwalla, President,
Bombay Incorporated Law Society,

Esteemed Senior Advocates and other learned members of the Bar,

The bereaved members of Naik family,

Members of the Registry and the staff,

Ladies and Gentlemen.

We have assembled this morning to mourn the sad demise of late Shri Justice Anil Bhalchandra Naik, a former Judge of the Bombay High Court, who departed for his heavenly abode on July 16, 2021 at the age of 78 years.

Justice Naik was born on October 27, 1943 at Latur. His grand-father was a renowned lawyer in Jath, District Sangli and his father-in-law Shri V.S. Deshpande, retired as the Chief Justice of the Bombay High Court.

Having completed his early education in Jath, Justice Naik graduated from Dayanand Arts, Science and Commerce College, Latur. His Lordship then joined Government Law College, Bombay and obtained B.G.L. and LL.B. Degrees. His Lordship made an outstanding contribution to the National Cadet Corps during his college days. He had also conducted an NCC camp successfully in Darjeeling.

After enrolling as an advocate on August 18, 1970, Justice Naik joined the chamber of Shri S. P. Kurdukar, who later was appointed as a Judge of the Bombay High Court, then as the Chief Justice of the Punjab and Haryana High Court and retired as a Judge of the Supreme Court. His Lordship continued his practice in the Bombay High Court till August 26, 1981. On the establishment of the Bench of the Bombay High Court at Aurangabad, His Lordship shifted to Aurangabad, where His Lordship handled matters arising out of diverse subjects. From 1980 to 1985, His Lordship also functioned as an Assistant Government Pleader and Additional Public Prosecutor. Justice Naik was the Standing Counsel for Zilla Parishad, Parbhani; CIDCO, Aurangabad and the Maharashtra Public Service Commission. His Lordship appeared as 'A' panel counsel for the State of Maharashtra in number of matters involving constitutional issues.

In between, from 1975 to 1979, His Lordship was a part-time teacher of Law in K.C. College, Mumbai.

On January 22, 2001, Justice Naik was appointed as an additional judge of the Bombay High Court, and a permanent judge on January 21, 2003. After a short but illustrious career as a Judge of the Bombay High Court for nearly four and half years, His Lordship demitted office on October 27, 2005.

Justice Naik authored several judgments dealing with diverse enactments, such as SC/ST (Prevention of Atrocities) Act; Hindu Marriage Act, Bombay Rent Act, Land Acquisition Act, Maharashtra Land Revenue Code, Bombay Provincial Municipal Corporation Act and the Constitutional Laws, etc.

After Justice Naik demitted office, the Government of Maharashtra appointed His Lordship as the Chairman, Maharashtra Administrative Tribunal (MAT) from October 10, 2005. His Lordship continued there till October 26, 2008.

Justice Naik possessed in-depth knowledge of various branches of law. His lordship had a flourishing practice at the Bar and displayed his unfailing commitment to the cause of justice with his erudition. His Lordship was also engaged as an amicus-curiae in many cases and helped the Hon'ble Judges in resolving disputes at the Aurangabad Bench.

I have also heard that Justice Naik was a very distinguished Judge of this Court, who commanded respect both from the Bar and the Bench. Justice Naik had a deep learning of the subjects and possessed admirable adjudication skills together with a fine blend of judicial conduct. His Lordship was an affable and courteous human being and was known to be upright and straightforward in his entire career.

None in this world is immortal. Death is a bitter truth which each one of us has to accept. His Lordship died after prolonged illness. Passing away of Justice Naik is indeed a great loss for the society. His Lordship will always be remembered as one of the formidable personalities of the legal fraternity.

Justice Naik is survived by his wife, two daughters, sons-in-law and grandchildren.

On behalf of my esteemed colleagues and on my personal behalf, I convey deepest condolences to the members of the bereaved family and pray to the Almighty that the noble soul of Justice A.B. Naik may attain "sadgati".

Om Shanti!, Shanti!! Shanti!!!

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ADDRESS BY SHRI ANIL C. SINGH, ADDITIONAL SOLICITOR GENERAL OF INDIA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE SHRI JUSTICE A.B. NAIK, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON SEPTEMBER 7, 2021 AT 10.00 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.

Hon'ble the Chief Justice,

Hon'ble Judges of this Court,

Shri Ashutosh A. Kumbhakoni,
Advocate General for the State of Maharashtra,

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

Shri Nitin Thakker, President, Bombay Bar Association,

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Mr. Kaiwan Kalyaniwalla, President,
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Esteemed Senior Advocates and other learned members of the Bar,

The bereaved members of Naik family,

Members of the Registry and the staff,

Ladies and Gentlemen.

We assemble this morning to pay our respectful homage and respect to late Justice A.B. Naik.

Justice Naik was born in 1943. He started practice in 1970 in Bombay High Court and in 1981 shifted to Aurangabad Bench of Bombay High Court.

He functioned as Assistant Government Pleader in the High Court for 5 years and then was appointed as Judge of this Hon'ble Court in January 2001 and he retired in 2005.

Justice Naik was a great Human Being, full of grace, kind hearted, sophistication, efficiency and dignity, this is what distinguishes him from many others and elevates him to higher pedestal. His journey both as an advocate and as a judge is adorned by several judgments which shows his invaluable contribution in the development of law.

Justice Naik was known to be extremely kind to junior advocates and would regularly encourage them to argue matters and commended their efforts, thus instilling a sense of confidence in the junior members of the Bar.

Justice Naik showed special zest in the matters of rent control, revenue matters and criminal matters.

Some of the important judgments of Justice Naik are (i) the judgement of Sunil v. State of Maharashtra where the bench comprising of Justice Naik held that, political issue cannot be adjudicated upon in a writ jurisdiction. In another judgement in the matter of Bhageshwari Karkhana v. Shivaji Rao, Justice Naik held that the provisions of limitation act are not attracted in the petition under Section 34 (3) of the Arbitration Act. Justice Naik has passed judgements in several matters pertaining to land acquisition. His Judgement in the matter of Chatrapati Shivaji Vidyalyaya v. Mansingh is particularly known, where Justice Naik decided the issue of “deemed confirmation of appointed of a temporary lecturer” and the provisions involving termination of service/employment in an educational institute. Multiple judgements have been passed by Justice Naik under the tenancy act as well.

Justice Naik’s father in law was Hon’ble retired Chief Justice of High Court Bombay Mr. Justice V. S. Deshpande. Justice Naik followed his legacy very aptly.

Justice Naik has left behind him a legacy which will continue to inspire lawyers and judges alike. The passing away of Justice Naik is truly a huge loss to the legal fraternity.

I pray that his soul rest in eternal peace and may god give his near and dear ones the strength to withstand their loss.

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ADDRESS BY SHRI ASHUTOSH A. KUMBHAKONI,
ADVOCATE GENERAL FOR THE STATE OF MAHARASHTRA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI JUSTICE A.B. NAIK, FORMER JUDGE OF THE
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Hon'ble the Chief Justice,

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Members of the Registry and the staff,

Ladies and Gentlemen.

By the time I completed my more than a decade long practice, at the District Court, Solapur, shifted to Mumbai and started getting enough briefs to personally argue, in this Hon'ble Court, Hon'ble Justice Naik had already started working at the Maharashtra Administrative Tribunal. I have never appeared before the Tribunal. Resultantly, I was not fortunate to have a first-hand experience of working of Hon'ble Justice Naik.

However, for me, the background of Hon'ble Judges like Hon'ble Justice Naik has always been inspirational. As My Lord Hon'ble Chief Justice just now mentioned, Hon'ble Justice Naik completed his schooling from Ramrao Vidyamandir, of course in the vernacular language, not from any high-fi English medium Convent School. Hon'ble Justice Naik graduated from Latur's Dayanand College, not from a college, where if you speak in Marathi language you are targeted. Lawyers who have started journey of their

life, from villages and small towns will always look up to Hon'ble Judges, like Hon'ble Justice Naik and work hand to achieve many things in their life.

Hon'ble Justice Naik was always sensitive about democratic principles. In the case of Sanjay Chavan Vs. State of Maharashtra reported in 2003 (3) Mh.L.J. 596 dealing with a case arising out of proceedings initiated under Section 35 of the Bombay Village Panchayat Act 1958, Hon'ble Justice Naik upheld the no confidence motion unanimously carried against the Sarpanch rejecting each and every objection raised in that regard, as mere technical, though *prima-facie* it appeared that the procedure established by the Act, in that regard, was not strictly followed.

Hon'ble Justice Naik at the Hon'ble Aurangabad Bench of this Hon'ble High Court has authored various landmark decisions relating to the provisions of the Hyderabad Tenancy and Agricultural Lands Act, 1950, since the provisions of that Act and not of the Bombay Tenancy and Agricultural Lands Act, are still applicable to most of the areas that fall within the jurisdiction of the Hon'ble Aurangabad Bench. To mention a few: Amru Vs. Ganpati reported in 2006 (1) Mh.L.J. 408 relating to Section 98, Vishnupant Vs. Mahadeo reported in 2005 (4) Mh.L.J. 278 relating to Section 19, 28 and 32.

While upholding the principles of natural justice, in the case of Sunil Shirang Phad reported in 2005 (4) Bom C.R. 442 Hon'ble Justice Naik while presiding over the Division Bench, set aside the order, passed under Section 44 of the Maharashtra Municipal Councils Nagar Panchayats and Industrial Townships Act 1965, disqualifying a Councilor who was in jail.

Hon'ble Justice Naik was the Chairman of the Maharashtra Administrative Tribunal, when our State Legislature for the first time enacted "*the Maharashtra Government Servants Regulation of Transfers Act 2005*", regulating transfers of employees of the State Government. Resultantly, judgements delivered by Hon'ble Justice Naik, for the first time, interpreted various provisions of the Transfer Act and crystalized various principles governing the transfers. Perusal of these detailed Judgments, slightly longish though, with the Ganeshotsav in sight reminded me of an artist presenting a beautiful idol of Ganapati Bappa by molding a clay-ball.

In passing way of Hon'ble Justice Naik though we have lost a living example of how persons coming from very humble background, with their sheer hard work, intelligence, sincerity, integrity and devotion achieve constitutional positions, the achievements of Hon'ble Justice Naik will always continue to keep inspiring several generations of the legal fraternity.

I join in the sentiments expressed by My Lord Hon'ble the Chief Justice and express my deepest condolences to the bereaved family of Hon'ble Justice Naik.

May his soul rest in peace.

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**ADDRESS BY SHRI UDAY P. WARUNJIKAR, MEMBER,
BAR COUNCIL OF MAHARASHTRA & GOA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI JUSTICE A.B. NAIK, FORMER JUDGE OF THE
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Mr.Kaiwan Kalyaniwalla, President,
Bombay Incorporated Law Society,

Esteemed Senior Advocates and other learned members of the Bar,

The bereaved members of Naik family,

Members of the Registry and the staff,

Ladies and Gentlemen.

On behalf of Bar Council of Maharashtra & Goa, which represents 1,90,000 Advocates in the States of Maharashtra & Goa, I fully associate with sentiment expressed by the Hon'ble Chief Justice and other speakers.

Justice Anil B. Naik was one of the exceptional Judge of this Hon'ble High Court who has having vast knowledge in different fields. He was born in Jath, district: Sangli. He has completed his schooling at Latur and his college education at Dayanand College, Latur. After graduation, he came at Mumbai for obtaining legal qualification. He enrolled as an Advocate with Bar Council of Maharashtra & Goa on 18/08/1970. During his almost 11 years practice of Mumbai, he assisted Justice Kurdukar who was practicing at that relevant time. He followed of various legal luminaries and was appointed as a Part Time Lecturer at K.C. College during the period 1977 to 1980.

After establishment Aurangabad Bench, Justice A.B. Naik shifted at Aurangabad and since then he was practicing till elevated as a Judge of our Bombay High Court. During his tenure as an Advocate, he has handled several cases more particularly about Rent Act matters, Revenue litigation, Co-operative Societies, service matters as well as criminal matters. He was appointed as Amicus Curies by Hon'ble Judges on several occasions. He was Assistant Government Pleader during the period between 1982-1985 at Aurangabad Bench and later on the panel of Advocate for the State of Maharashtra from 1986-1989. Hon'ble Justice A.B. Naik was Standing Counsel for Zilla Parishad Parbhani and he had appeared in several service matters.

His father-in-law Late Shri Venkatrao Srinivas Deshpande was the Acting Chief Justice of our Hon'ble High Court and his Junior Shri Justice R.M. Borde also was elevated as Judge of our High Court. He was known as one of the Advocate who never ran behind money. During his college days he was a Cadet of NCC and followed discipline in his life throughout. Justice A.B. Naik was a very good cricketer and he followed the sporting spirit throughout his life. He was elevated as Judge of this Hon'ble High Court on 22/01/2021 and he attained the age of superannuation on 27/10/2005.

One of the senior elected Member of Bar Council of Maharashtra and Goa, Adv. V.D. Salunkhe told me that Justice A.B. Naik was having mastery over appellate side rules. He used to discharge the board if some matters were going to take some time. This practice as per the appellate side rules was started by Justice Naik at Aurangabad.

After Attaining the age of superannuation, Justice A.B. Naik was appointed as Chairman of Maharashtra Administration Tribunal (MAT) established under the provisions of Administrative Tribunal Act. The Senior Advocates from the Bar of Maharashtra Administrative Tribunal still recollect a disciplined and systematic approach of Justice Naik while deciding the cases as Chairman of Tribunal.

After completion of tenure as Judge of our High Court, Justice A.B. Naik become a Petitioner on the Judicial side of this Hon'ble Court and challenged the provisions in respect of Salary and Service condition of Judges in which, a provision is about qualifying service to avail pensionary benefits. After become aware that even Justice Narendra P. Chapalgaonkar, Former Judge of our High Court invoked the jurisdiction of the Hon'ble Supreme Court of India in the same line, he sought transfer of matters to Hon'ble Supreme Court of India. After living a systematic and disciplined life, he took his last breath on 16/07/2021. He had been survived by his two married daughters Mrs. Mekhala Hemant Kulkarni & Mrs. Ashwini Newasekar.

On account of demise of Justice Anil Bhalchandra Naik, we have lost a disciplined and systematic Judge as well as a very kind-hearted human being. Let the soul of Justice A.B. Naik Rest in Peace.

May God give strength to his family members to sustain the loss.

I myself along with Chairman of Bar Council of Maharashtra & Goa and other Hon'ble Members on behalf of 1,90,000 Lawyers from the States of Maharashtra & Goa express our deepest condolence to the family members of late Hon'ble Justice A.B. Naik.

OM SHANTI!!

OM SHANTI !!

OM SHANTI !!

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**ADDRESS BY SHRI NITIN THAKKER, PRESIDENT,
BOMBAY BAR ASSOCIATION, AT THE FULL COURT REFERENCE
IN THE MEMORY OF LATE SHRI JUSTICE A.B. NAIK, FORMER JUDGE
OF THE BOMBAY HIGH COURT, ON SEPTEMBER 7, 2021 AT 10.00 A.M. IN
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Hon'ble the Chief Justice,

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Esteemed Senior Advocates and other learned members of the Bar,

The bereaved members of Naik family,

Members of the Registry and the staff,

Ladies and Gentlemen.

We have gathered today to pay our homage to Justice A.B.Naik a former Judge of our High Court.

Born in the middle-class family where his father was a teacher, Justice Naik spent his early life in Town Jath of Sangali district. It was ruled at that time by a maharaja as it was a Sansthan. It was also a Kannada province. During independence movement Mr. Bhalchandra Naik, his father, who actively participated in that and was a freedom fighter moved to Latur. He graduated from Dayanand College in Latur. He acquired law Degree from Government Law College, Mumbai.

Having come up in life due to sheer hard work, he started his practice in Bombay High Court at Mumbai in the chambers of Mr S.P. Kurdukar, who later became Judge of our Court and then the Judge of Supreme Court. Justice Naik started his independent practice after elevation of Justice Kurdukar. He had a large practice on civil and criminal

sides. Being ardent supporter and one of the spearhead movement of establishing a bench of High Court at Aurangabad, Justice Naik shifted to Aurangabad in 1981 no sooner High Court Bench was established there. He made a name for himself due to hard work and his integrity. In due course when call to serve nation came, he sacrificed large practice and accepted High Court Judgeship.

He was a fair lawyer-considering himself to be an officer of Court first he would not hesitate to inform the Court of latest development of law including the judgements against him, which made him trustworthy and all judges respected him. As a lawyer his preparation was meticulous and thorough and therefore he was in great demand. He argued very important matters before full bench of our High Court.

As a judge he was particular about preservation of traditions and decorum of Bombay High Court. A stricter for the advocates adhering to the prescribed dress code.

I associate myself with the sentiments expressed by My Lord the Chief Justice and other speakers and on behalf of myself and Bombay Bar Association extend heartfelt condolences to the family members of late Justice A.B. Naik and pray that his soul gets eternal peace.

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**ADDRESS BY SHRI KULDEEP PATIL, SECRETARY,
ADVOCATES' ASSOCIATION OF WESTERN INDIA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI JUSTICE A.B. NAIK, FORMER JUDGE OF THE
BOMBAY HIGH COURT, ON SEPTEMBER 7, 2021 AT 10.00 A.M.
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Ladies and Gentlemen.

It is with deep sense of sorrow that we have come to condole the passing away of Hon'ble Justice Shri. Anil Bhalchandra Naik, former Judge of the Bombay High Court who left for heavenly abode on 16th July 2021. Justice Anil Bhalchandra Naik was born on 27th October 1943. He completed his school education upto matriculation at Jat District: Sangli. He thereafter studied at Dayanand Arts College, Latur from where he secured the degree of Bachelor of Arts. He completed his studies for LLB from Government Law College, Bombay.

Justice A.B. Naik started his practice at the Bombay High Court in September 1970. He initially joined the office of Justice S.P. Kurdukar who at that time, was a senior advocate at the Bombay High Court. As an advocate he argued many important cases involving interpretation of the provisions of Imam Abolition Act and Tenancy Act. He also worked as Assistant Government Pleader at the principal seat at Bombay and also before

the bench at Aurangabad. He also worked as a part time lecturer in K.C. Law Collage, Mumbai between 1977 and 1980. After the establishment of Aurangabad bench, he shifted to Aurangabad in August 1981.

He was also life member of Marathwada Legal and General Education Society, Aurangabad. He represented various institutions such as CIDCO, MPSC and others before the Hon'ble High Court. As an advocate and thereafter as a judge of the Bombay High Court, he took a keen interest in the development of the junior members of the Bar. He was elevated as a judge of the Bombay High Court on 22nd January 2001. During his tenure as a judge of the High Court, he contributed with various judgments touching upon wide ranges of issues including civil, criminal and procedural laws. He retired as a judge of the Bombay High Court on 27th October 2005. Thereafter in October 2005, he was appointed as a Chairman of Maharashtra Administrative Tribunal, from where he retired on 26th October 2008. Justice Naik was a great human being and enjoyed abundance of good will and affection from every Member of the Bar. On my behalf and on behalf of the Advocates Association of Western India, I express and place on record a deep sense of gratitude for his lordships contributions to the society and extend my deepest condolence for the loss. I pay my respectful homage to the departed soul. I pray to God to give strength and courage to his family members. May his soul rest in peace.

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**ADDRESS BY SHRI KAIWAN KALYANIWALLA, PRESIDENT,
BOMBAY INCORPORATED LAW SOCIETY,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
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Members of the Registry and the staff,

Ladies and Gentlemen.

I address this Full Court Reference as President of the Bombay Incorporated Law Society on whose behalf, I express condolences on the sad demise of Justice Anil Bhalchandra Naik.

I concur with the sentiments of My Lord the Chief Justice, and the feelings that have been expressed by my colleagues at the Bar.

Justice Anil Naik served as a Judge of the Bombay High Court for a short tenure of just over four years. Having pursued a career in law in Aurangabad, Justice Naik served as Assistant Government Pleader at the Aurangabad Bench of the Bombay High Court between 1980 and 1985. He was appointed as a Panel Counsel for the Government of Maharashtra between 1986 and 1989. Justice Naik followed the footsteps of his illustrious senior S.P. Kurdukar who served as a Judge of the Bombay High Court, and eventually retired as a Judge of the Supreme Court of India. After his retirement, Justice Naik was

the Chairman of the Maharashtra Administrative Tribunal.

Justice Naik will be remembered for his steadfast devotion to the cause of justice and his forthright manner in dealing with members of the Bar. His judgments on rent control, revenue and land laws were well-received during his tenure as a Judge.

Our heartfelt condolences to the Members of Justice Naik's family. May his soul rest in peace.

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