

REFERENCE BY HON'BLE SHRI M.H. KANIA, ACTING CHIEF JUSTICE,  
TO THE LATE SHRI J.L. NAIN, FORMER JUDGE, BOMBAY HIGH COURT, ON 16TH DECEMBER  
1985.

Mr. Advocate-General, Mr. Cooper, President of the Bombay Bar Association, Mr. Gursahani, President of the Western India Advocates' Association, Mr. Tirjoriwala, President of the Incorporated Law Society and friends :

We are gathered here today to mourn the death of Mr. Justice Nain who was a Judge of this Court in 1973. It was only last Friday that I came to know that Justice Nain had suddenly passed away. I was shocked to learn this because when I had met him a short time before his death, he appeared to have been in good health. He received his early education at Karachi and got his Law degree from there. Although he was enrolled as an advocate of this Court in 1932, he practised in the Chief Commissioner's Court at Karachi for a number of years and acquired large commercial practice and an excellent reputation there. He went to England and was called to the Bar from Lincoln's Inn. He came to Bombay after the Partition, but probably as a result of the disturbances which followed the partition. He amassed work very soon and acquired considerable practice both in the City Civil Court and in the High Court as an Original Side lawyer. He occasionally handled criminal cases also, although the bulk of his work consisted of commercial litigation and litigation pertaining to company law. It was in 1967 that he was elevated to the Bench of this Court and he retired in 1973.

As a Judge he was marked by his good grasp, a clear mind and by his extreme urbanity of manners. There was hardly an incident possible in his Court. He was gentle and courteous to the Bar and he expected and got similar treatment in return. He was universally liked by the Bar. His Court was one of the most popular Courts, where juniors and seniors were happy to appear whenever they had a chance. I had the pleasure of sitting with him on the Bench and I have had also the pleasure of his company at the lunch table and on other occasions when Judges met together. As far as his relations with his colleagues are concerned, they were excellent. As a senior colleague, he was an ideal person to be in that position. He was completely non-interfering but at the same time always ready with advice, it so required. I still remember that at the lunch table when Justice Nain and Justice Vimadlal were with us, there was never a dull moment. Whenever a conversation appeared to flag, there would be jokes exchanged between them which everybody could enjoy and we all had a good laugh. He had several interests apart from practice at the Bar. He was the Secretary of Karachi Bar Association. He was professor of Law in the Sind University where he taught company law and commercial law. As far as his work in Bombay is concerned, he was the Chairman of the Bar Council of Maharashtra for four long years from 1961 to 1965. When in service he served as the Chairman of the Reserve Bank of India Committee for Reorganisation of the Officers Cadre. After he retired, he was appointed Chairman of the Monopolies and Restrictive Trade Practices Commission and he did his work there efficiently, quietly and without fan-fare. He was also associated with several organisations doing social work. He was the Chairman of the Consumer Guidance Society of India and actively

associated with the International Law Association. He was also connected with the Federation of Indian Chamber of Commerce and Industry. Thus, he devoted his life and attention not only to the law but also to social work whether connected with law or otherwise . The Bar generally will be poorer by his passing away. Anyone who knows and remembers will be very sorry that such a nice and gentle person has departed from us all. His sudden demise must have been terrible shock to his family. Our hearts go out in sympathy to them. May his soul rest in peace.

D/- 16<sup>th</sup> December 1985.

Sd/-  
( M.H. Kania )  
Ag. Chief Justice.

**Mr. A.V. Savant, Advocate-General.**

16-12-1985.

My Lords And Members of The Bar :

We meet to mourn the unfortunate passing away of Shri Jethanand Lilaram Nain, a former Judge of this Court. I wholly associate myself with the touching sentiments expressed by My Lord The Acting Chief Justice.

Mr. Justice Nain was born in 1911 in the former Sind province. He had his early education at the N.J. School at Karachi and later on at the D.J. Sind College, Karachi. He was enrolled as an Advocate on 22<sup>nd</sup> June 1932. He joined Navy as a Commissioned Officer soon after the war broke out and rendered war service at the Karachi Sea-port. On his being eligible to appear for the Barrister's Examination, he was called to the Bar in November 1945.

As a Barrister he started his practice in the Judicial Commissioner's Court at Sind and soon established a lucrative practice particularly in the Commercial law.

On the partition of the sub-continent he migrated to India and was enrolled as an Advocate, Original Side, in August 1948 at Bombay. He soon attracted large clientele in company and commercial law matters. As a member of the Bar he was known for his hardwork, integrity and honesty. He was soft spoken, intelligent and cool tempered. He was

elected as a Member of the Bar Council of Maharashtra and was also its Vice-Chairman. He was also on the Editorial Board of the Maharashtra Law Journal.

In recognition of his merit, he was appointed as an Additional Judge of our High Court in September 1967 and as a permanent Judge in August 1968.

As a Judge, he was very popular both amongst his colleagues and with the Bar and made his mark both on the Original Side as also on the Appellate Side. I distinctly remember that when he sat on the Appellate Side, he displayed his great qualities as a Judge in first getting himself acquainted with the appellate side litigation and showed patience and courtesy to the members of the Bar and then decided the matters objectively and dispassionately.

Endowed with a keen sense of humor, he particularly welcome and encouraged the junior members of the Bar with a smile typical of his and allowed the junior members of the Bar to develop their arguments in their own way.

On his retirement as a Judge, he was appointed as a Chairman of the Monopolies & Restrictive Trade Practices Commission which office he held with distinction for a period of 3 years. On his completing his said assignment, he started practice in the Supreme Court of India and then at Bombay and was in great demand for opinions in commercial matters and also as an Arbitrator.

Mr. Justice Nain was very warm hearted person and was a true friend. During the campaign for the election to the Bar Council in the year 1963-64 he showed rare qualities of fair play and sportsmanship. He continued to display the same temperament, whether he was busy as a Lawyer or a Judge or the Chairman of M.R.T.P. Commission or as an Arbitrator. In his death the legal fraternity has lost a great gentleman.

May I join My Lord the Acting Chief Justice in praying to the Almighty that his soul rest in peace.

**Mr. K.S. Cooper, President, Bombay Bar Association.**

16-12-1985.

My Lords the Chief Justice, Mr. Justice Pendse and friends :

We have gathered here to mourn the death of Mr. Jethanand Lilaram Nain whom I knew ever since he came to Bombay in about 1948. I am informed that he was really returning back home when he came to Bombay because he was enrolled as an Advocate of this High Court in the year 1932, although he practised thereafter in Karachi where he built up a very large practice during the 15 years he was practising there. There, he not only made a name for himself as a lawyer, but he was the Secretary of the Karachi Bar Association, Secretary of the Chief Court Law Library and he used his knowledge also for the purpose of imparting it to young students as a Professor of Law in the Sind University where he taught both company and criminal law. After coming to Bombay, in almost next to no time, he not only built up a large practice, but he endeared himself to almost all members of the Bar uniformly and without exception. There was a perennial smile on his face. He was always cheerful, always lively and always with a sense of humor and a little witty remark here and a joke there. As has been said, he did not interfere, but his advice was always available to any junior who wanted to go and pick his brain on any point of commercial or company law of which he had a really vast knowledge. He was a member of the Bombay State Bar Council – an elected member. He was its Vice Chairman and he did distinguished work there. It is a course a commentary on our notions of democracy that when he stood for re-election , people thought fit to elect others whom I would not consider any where near his caliber. He was the

Advisory Editor of the Maharashtra Law Journal, he was the President of the Bombay Legal Aid Society, and of all the talented and able lawyers who came down from Sind to Bombay after partition, I think perhaps he was the only Advocate who was elevated to the Bench of this Court. As a Judge of this Court, he performed his duties to the total satisfaction of the Bar as well as the litigants. He was popular with his colleagues, with the staff, with the members of the Bar and with those who appeared before him either as witnesses or litigants. There was unflinching courtesy, there was unflinching good cheer, there was always a quick grasp of the facts, there was no waste of time and he did not go wrong often, if at all. After retiring as a Judge in 1973, fortunately the Government did not waste his talents, but appointed him as Chairman of the Monopolies and Restrictive Trade Practices Commission, which post he held from 1973 to 1976. He was not a mere lawyer, but he had other interests. He served society in his own way. He was a Chairman of the Consumer Guidance Society of India, was associated with the International Law Association, Federation of Indian Chamber of Commerce and various other management associations and was also a Director of some limited Corporations. His affability, his geniality and his friendliness made him one of the most popular members this Bar ever had. His lively wit made him one of the most sought after companions this Bar ever had. His death which has been very sudden, must have come as a great blow to his family and friends. I have lost a friend. The Bar has lost a fine lawyer. Society in general has lost in helping hand, and above all, everybody has lost a fine gentleman.

May his soul rest in peace.

**Mr. N.H. Gursahani,**  
**President, Western India Advocates' Association.**

16-12-1985.

My Lord the Chief Justice, Mr. Justice Pendse and the friends at the Bar,

We have gathered here today to mourn the loss of a great, good and ideal Judge and a public spirited citizen who brought honour and glory to the profession to which he belonged. Mr. Justice Nain was humility personified, kin, generous, obliging and helpful. He was always a friend to any one who went to him for any help. He always believed that judiciary itself was an instrument of keeping democracy alive and, therefore, he always thought that it was a duty of a Judge to see that liberty of a citizen is protected and Justice Nain's name would rank amongst greatest of Judges. I had the privilege of working with Justice Nain in the Bar Council of Maharashtra, the Consumers Guidance Society of India and in Hinduja Group of Colleges. To day the Hinduja Commerce and Law Colleges are set up entirely due to the project which Justice Nain as a Trustee had suggested and they have grown from a small secondary school to full fledged colleges and his final scheme was that there ought to be a co-operation between the Hinduja College of Commerce and London School of Economics which dream of his is likely to materialise early next year. Nain was a great educationist. He had new and original ideas. He wanted the young men of to day to build their character. Justice Nain was a man of sterling character and outstanding integrity. He was a man of God, extremely religious and showered parental affection on young people

who came into his contact. His loss is difficult to bear, because any one who came into contact with Mr. Nain realised that milk of humane kindness flowed through him. He was one of the great persons like whom to day there are rarely people. He belonged to a different generation altogether and when such a great man passes away, one feels sad, and therefore, to day our feelings go out to his son Dr. Hari who obtained Doctorate in Electronics, his wife Rukminiben, his brother P.L. Nain, Advocate and other members of his family. A great and good man has gone. We mourn his loss to day.

**Mr. M.T. Tijoriwala**  
**President, Incorporated Law Society.**

16-12-1985.

My Lord the Chief Justice and Mr. Justice Pendse and friends :

It was a great shock when we suddenly came to know of the sudden passing away of Mr. Justice Nain on last Thursday. When he was at the Bar, he amassed a very large and lucrative practice. He had a peculiar persuasive way of persuading the Court to his way of thinking. When he became a Judge, he sacrificed his very large practice. Though he was very polite, he was firm in his decisions. He extended his courtesy to one and all; whether he was a senior or junior made no difference. Though he was mild in his manners, he decided very firmly. After his retirement, as your Lordship has pointed out, he was the Chairman under the Monopolies and Restrictive Trade Practises Commission and also acted in very many fields of activities. He also acted as an Arbitrator. He also appeared in big arbitration matters and he made his mark. His death was so sudden that we were all taken by surprise. Our hearts go out in sympathy to all the members of his family. May his soul rest in peace.