

ADDRESS BY HON'BLE SHRI DALVEER BHANDARI, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FULL COURT REFERENCE TO LATE SHRI DEVIDAS GANPAT PALEKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 8TH FEBRUARY, 2005.

My esteemed Brother and Sister Judges, Mr. Desai, Additional Solicitor General, Mr. Thorat, Advocate General of Maharashtra, Mr. Kapadia, Vice President of the Bombay Bar Association, Mr. Joshi, President of Advocates' Association of Western India, Mr. Zaiwala, President of the Bombay Incorporated Law Society, learned Members of the Bar, distinguished Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of Justice Devidas Ganpat Palekar, a very distinguished former Judge of this Court and an eminent former Judge of the Supreme Court of India, who left for his heavenly abode on 9th December 2004.

In his life spanning over 95 years from 1909 to 2004 Justice Palekar had repaid to the society many times of what he took for his frugal existence. He had a very distinguished academic career. He had his schooling in Karwar followed by University Education at Mumbai, which led to his enrolment as an Advocate in 1934. Soon thereafter he joined the judicial service as a Civil Judge, Junior Division in 1939. Later he became a popular and efficient Registrar and a distinguished Judge of this Court. His learning, erudition, sincerity, dedication and devotion to duty ensured an ascending career in Judiciary which reached its zenith when he became the Judge of Supreme Court of India on 9th July, 1971. He is one of the very few Judges who rose from the lowest rung of judicial ladder and reached its pinnacle – the Supreme Court. His work as a Judge of the High Court of Bombay and in the Supreme Court will always be remembered for his learned and erudite judgments. Apart from his great achievements and accomplishments, Justice Palekar was a gentleman par excellence and a great human being.

On Justice Palekar's elevation as Judge of the Supreme Court of India, in a reference, the then distinguished Advocate General Mr. H.M. Seervai mentioned and I quote:

"The duties which fall on a Judge of the High Court are indeed onerous; though ill-informed people consider them light, we know that it is otherwise. But the duties which fall to the Judges of the Supreme Court are even more exacting, for even in the most doubtful cases the Judge cannot derive comfort from the thought that if he is wrong somebody will set him right."

Justice Palekar had monumental patience and tolerance. No junior ever suffered in his Court. All of them received guidance and assistance from him. It used to be a great pleasure for lawyers to appear in his Court. He was indeed a source of great encouragement and inspiration to the younger members of the Bar appearing before him. Throughout his career as a Judge of this Court and of the Supreme Court, he displayed a quick grasp and keen intellect coupled with unflinching courtesy and respect for the members of the Bar.

Justice Palekar died in fullness of years and honour. He will be affectionately and fondly cherished for his excellent Court conduct and great desire to do real justice in all cases and reverently remembered for his great contribution for the development of law and jurisprudence.

Though Justice Palekar died at a ripe old age, his death has come as a great loss to the entire legal profession and judicial fraternity of this country. For his own family members, it must be much greater loss. Our heart goes out to them in sympathy. May his soul, at the end of a brilliant mundane career, find an everlasting abode of peace.

On behalf of myself and on behalf of my learned colleagues and all of you assembled here, I convey my heartfelt condolences to the members of the bereaved family.

ADDRESS BY SHRI B.A. DESAI, ADDITIONAL SOLICITOR GENERAL OF INDIA, AT THE FULL COURT REFERENCE TO LATE SHRI DEVIDAS GANPAT PALEKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 8TH FEBRUARY, 2005.

My Lord The Chief Justice and Honourable Learned Judges.

Today we meet to mourn the death of Justice D.G. Palekar who retired as a judge of the Supreme Court and who left all of us for heavenly abode on 9th December 2004.

He lived a long life of 95 years! He had a long and distinguished judicial career.

His is a unique case in judicial History of India. He began his judicial service by joining as a Civil Judge Junior Division in 1939 and rose to become Judge of the Supreme Court of India.

From Civil Judge Junior Division to Judge of the Supreme Court of India is indeed a great and long journey. This journey he accomplished with great distinction. He leaves behind his imprint on the sands of time by his erudite judgments, showing great intellectual excellence and judicial wisdom.

His experience and contribution to society were indeed very wide. He practiced at the Bar, and as a Judge from the lowest to the highest. He also had a considerable experience as the head of the Law and Judiciary Department of the Govt. of Maharashtra. He was Registrar of this High Court. After retirement he headed the Commission for Determination of wages and other service conditions of Working Journalists. Famous Justice Palekar Award has stood the test of time.

I appeared before him as a Junior Lawyer when he was a Registrar. I appeared before him in this great High Court. I appeared before him in the Supreme Court. I appeared before him when he held hearings as a Commission for Determination of wages of Working Journalists as a lawyer for journalists. I was also present when Reference was given to him by way of send off to him on 7th July 1971 on his elevation to the Supreme Court when Shri H.M. Seervai, Advocate General and V.H. Gumaste Govt. Pleader amongst others addressed.

It was a great pleasure to appear before him. In the beginning I was confused because during the hearing, he spoke so little! Only at the end of the hearing he asked some questions if any for clarification. But afterwards we knew his style. He was the same to a Senior Counsel or to a junior and he was totally impartial to the Lawyers.

He was indeed a living embodiment of a great judge. Now he lives through his memories and through his great judgments to guide us in difficult questions of Law and the Constitution!

Our heartfelt condolences to his bereaved family. May his Soul Rest in Peace.

ADDRESS BY MR. V.A. THORAT, ADVOCATE GENERAL FOR MAHARASHTRA, AT THE FULL COURT REFERENCE TO LATE SHRI DEVIDAS GANPAT PALEKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 8TH FEBRUARY, 2005.

My Lords,

On behalf of the Bar, I associate myself with eloquent tribute My Lord the Chief Justice has paid to late Justice D.G. Palekar.

How does one sum up a life which spans almost a century. I personally had no occasion to appear before Justice Palekar since he had retired from the Supreme Court when I joined the Bar. I had no occasion to meet him or to see him in person. This difficulty is however, not insurmountable in recounting the life and times of Justice Palekar. He served as a Judge for nearly 35 years and has left his indelible imprint on development of law.

Of his temperament and demeanour I have only heard from my senior colleagues at the Bar that it was excellent. But his judgements are accessible to my generation and future generations to come. That Justice Palekar was a man of principle can be gathered from an incident which is recounted by my senior friend Shri M.A. Rane. Shri Rane had approached Justice Palekar to preside over a Centenary function of their common school i.e. Government High School at Karwar. When approached in Chamber, Justice Palekar politely declined, took out his wallet and placed a 100 rupee note in Shri Rane's hand as his contribution. It was because Justice Palekar, as a subordinate judge, had decided not to attend any public function as a Sitting Judge.

While scanning Supreme Court Cases on line I came across 817 case notes relating to about 350 judgements delivered by the apex court between 1971 and 1974 to which Justice Palekar was a party. Justice Palekar spoke for the Bench in many a celebrated cases like Municipal Corporation of Greater Bombay V M/s. Advance Builders, State of Kerala V. Gwalior Rayon Silk; his judgement in Kesavanand Bharati V State of Kerala discloses clarity, knowledge of the subject and purpose of our polity. He was also on the Bench which delivered judgement in P. Royappa, Maganlal Chhaganlal V MCGB, Samshersingh V State of Punjab, Re Presidential Poll and other cases. His knowledge of Hindu Law and his experience as a Judge came to the fore when he discussed the intricate nature of worship in Sheshmal V State of Tamil Nadu.

After his retirement he chose Lonavala as his abode. He enjoyed the peace, serenity and proximity of the hills. After living a rich life he passed away in the winter of his life and winter of our seasons on 9th December, 2004. I cannot do better than to recite from a poem from Emily Dickinson -

"Upon his dateless fame
Our periods may He,
As stars that drop anonymous
From an abundant sky."

My heart-felt condolences to the members of the bereaved family. May the departed soul rest in eternal peace.

ADDRESS BY MR. ROHIT KAPADIA, ON BEHALF OF THE BOMBAY BAR ASSOCIATION, AT THE FULL COURT REFERENCE TO LATE SHRI DEVIDAS GANPAT PALEKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 8TH FEBRUARY, 2005.

My Lord the Chief Justice, the Hon'ble Judges of this Court, Mr. Desai, the Additional Solicitor General, Mr. Thorat, the Advocate General of Maharashtra, Mr. Joshi, Mr. Zaiwalla and friends:

We have heard of sad passing away of a stalwart. A stalwart who was known for his wisdom, a stalwart who was known for his courtesy, a stalwart who was known for his education and learning. Mr. Justice Devidas Ganpat Palekar was born in 1909. After schooling from Karwar, he continued his education in Bombay. He was appointed as a Civil Judge, Junior Division in 1939, after five years at the Bar. He made his way to the High Court. He was a Judge of this Hon'ble Court for several years. In 1971, he was elevated to the Supreme Court. A little known fact of his elevation is that although he was junior in standing to Mr. Justice Chandrachud, he was appointed and elevated to the Supreme Court before Justice Chandrachud. The reason was that he was likely to retire very soon and there was only one vacancy in the Supreme Court. He, with his sincerity and devotion to duty and learning, became a party to several judgments which stand the test of time even today. He was a distinguished Judge who rose by the dint of his hard work from the lowest rung to highest of judicial service. He will be remembered for several years to come for his humility and social awareness.

On behalf of the Bombay Bar Association, my heart goes out to Justice Palekar's family and we convey our heartfelt condolences for the great loss. May his soul rest in peace!

ADDRESS BY MR. BALKRISHNA JOSHI, PRESIDENT OF ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE FULL COURT REFERENCE TO LATE SHRI DEVIDAS GANPAT PALEKAR, FORMER JUDGE, SUPREME COURT OF INDIA, ON TUESDAY, 8TH FEBRUARY, 2005.

The Hon'ble the Chief Justice Shri Dalveer Bhandari of the High Court of Judicature at Bombay and the other Hon'ble Judges of the High Court, Shri B.A. Desai, Addl. Solicitor General, Shri Vijay Thorat, Advocate General, Maharashtra State, Shri Rohit Kapadia, Vice-President of Bombay Bar Association, Shri Zaiwala, on behalf of Incorporated Law Society and friends.

1. Sirs, I associate myself with the sentiments expressed by My Lord the Chief Justice and by the learned Additional Solicitor General and by the learned Advocate General and my colleagues and I beg to add few words.

2. Sirs, it is really necessary to pay tribute to Justice Devidas Ganpat Palekar who was a scholar and an intellectual and a great Judge who passed away on 9th December, 2004. Justice Palekar was born on 4th September, 1909. He was educated at Govt. High School, Karwar, the Elphinston College and the Govt. Law College, Bombay. Justice Palekar was enrolled as an Advocate of the Bombay High Court on 2nd February, 1934. Justice Palekar practised both civil and criminal cases on the Original and Appellate Sides of the Bombay High Court. Justice Palekar joined Bombay Judicial Service as a Civil Judge, Junior Division, on 10th June, 1939. He became Assistant Judge and Assistant Sessions Judge in September, 1949. Thereafter he became Deputy Secretary to the State Government in the Legal Department from 1954 to 1956. Justice Palekar became District Judge from August, 1956 and thereafter he was appointed as Additional Registrar of Bombay High Court from October, 1958 and he became Registrar of the Bombay High Court on 15th January, 1959. Justice Palekar was elevated as Additional Judge of the High Court at Bombay from 14th October, 1961 and became permanent Judge of the Bombay High Court on 27th August, 1962. Justice Palekar was elevated as a Judge of the Hon'ble Supreme Court of India on 19th July, 1971. Justice Palekar has started his judicial career at the bottom of the service which had not been represented on the High Court Bench for nearly 100 years after its establishment. The only exception was that of Justice Ranade. Justice Palekar rose from the lowest judicial service to the highest court in India.

3. Justice Palekar had a great depth of learning, a quick grasp of the facts, accurate exposition of law and above all a great desire to do justice. His patience and tolerance were exemplary. No junior ever suffered in Justice Palekar's Court. All of them received guidance and assistance from Justice Palekar. There never used to be any tension in Justice Palekar's Court. Each matter was carefully attended to and there was little interruption. Justice Palekar dealt with a large number of very important and very difficult matters. His judgments in detention matters clearly showed his great ability to master quickly any new branch of law. In the case of Madhyayugin Bharatacha Itihas Justice Palekar displayed an amazing knowledge of history and Sant Wangmaya. Justice Palekar's patient work, devotion to duty and unflinching courtesy to the members of the bar had taken him to the highest court of the land. Justice Palekar always gave courteous treatment to all the Advocates and whether Juniors or Seniors and Justice Palekar always showed readiness and desire to learn what the Advocate's point of view was.

4. The members of the Association share the grief of the members of the Palekar family and we sincerely hope that the family of justice Palekar will find courage to bear this loss. MAY GOD REST HIS SOUL IN PEACE.

**ADDRESS BY MR. DINSOO ZAIWALA, VICE PRESIDENT OF BOMBAY INCORPORATED SOCIETY,
AT THE FULL COURT REFERENCE TO LATE SHRI DEVIDAS GANPAT PALEKAR, FORMER JUDGE,
SUPREME COURT OF INDIA, ON TUESDAY, 8TH FEBRUARY, 2005.**

My Lord, the Chief Justice, the Hon'ble Judges of the Bombay High Court, Mr. Thorat, Advocate General, Mr. Rohit Kapadia, Vice President, Bombay Bar Association, Mr. Joshi, President of the Western India Advocates' Association,

On behalf of the Bombay Incorporated Law Society I convey our members grief on the sad demise of Justice Devidas Ganpat Palekar.

With respect I concur with the sentiments so eloquently expressed by the Learned Advocate General, the President of the Bombay Bar Association and the President of Western India Advocates' Association which have been so eloquently submitted at your Lordship's Bar to-day.

Bombay High Court has achieved the tradition of expressing exceptional judicial thoughts so much so that Judgments of these Courts are sought after and preferred by Courts of other States of this Country. Justice Palekar has well contributed to this tradition. We shall indeed remember Justice Palekar's dignified and quiet genius. Recognizing this genius he was called to serve at the highest Court of the land.

We are sure that Your Lordships and the Judges to come with assistance of the Bar shall indeed continue this tradition and ensure that it is not diluted and that effort will be the best that we can leave to the memory of Justice Palekar. In the passing away of Justice Palekar the Legal Fraternity has lost a pioneer of judicial thought.

On behalf of the Incorporated Law Society and the Fraternity of Solicitors I wish to convey our grief to the family members of the late Justice Palekar and pray that that superior force which men call God keep his spirit in happiness.
