

ADDRESS BY HON'BLE SHRI SWATANTER KUMAR, CHIEF JUSTICE,
HIGH COURT OF JUDICATURE AT BOMBAY, AT THE FIRST COURT
REFERENCE TO LATE SHRI ARVIND BALKRISHNA PALKAR,
FORMER JUDGE OF THE BOMBAY HIGH COURT HELD ON
WEDNESDAY, 3RD JULY, 2008.

My esteemed colleagues, Mr. Kadam, Advocate General of Maharashtra, Mr. Raghuwanshi, Additional Solicitor General, Mr. Rajiv Patil on behalf of Bar Council of Maharashtra & Goa, Mr. Rafiq Dada, President of Bombay Bar Association, Mr. Thorat, President of Advocates' Association of Western India, Mr. Jani, Vice-President of Bombay Incorporated Law Society, members of bereaved family, learned Members of the Bar, distinguished Ladies and Gentlemen,

We have assembled here this morning to mourn the sad demise of late Shri Arvind Balkrishna Palkar, former Judge of the Bombay High Court, who left for his heavenly abode on 21st May, 2008, at the age of 66 years.

The life sketch of Justice Palkar was spread over a long period of more than forty years. It was a unique example of a Judicial Officer who started his judicial career in moffusil court in 1972 rose to occupy the august office of Judge of the Bombay High Court in 1997.

Justice Palkar was born on 14th June, 1941, in Akola. He obtained Degree of Science in 1962. Justice Palkar passed LL.B. Degree course in First Class in 1965 from prestigious Nagpur University. He was placed second in the order of merit.

After enrolment as an Advocate in 1961 Justice Palkar practiced for four and half years in Civil and Criminal Courts as also Revenue Courts and Rental Control Authorities in Akola. Appointed as

Civil Judge, Junior Division, on 24th February, 1972 and worked in various capacities to the utmost satisfaction of his superiors. As a result, Justice Palkar was promoted as District Judge on 11th September, 1989. He worked as Judge of the Family Court at Bandra for a period of more than six years from 7.10.1989 to 6.1.1996. Thereafter, he was appointed as Principal Secretary to the Government of Maharashtra in Law Department in June, 1996 and the said post was held till elevation to the august office of Judge of the Bombay High Court on 9th June, 1997.

Elevation of Justice Palkar to the Bench was the result of his hard work in his judicial career of 25 years. He became permanent Judge of the Bombay High Court on 1st June, 1999 and retired on 14th June, 2003

As a Judge of the Bombay High Court for a period of four years, Justice Palkar rendered number of judgments. He was known for his simplicity and rich thinking in the judicial pronouncements. He was workaholic and voracious reader. Number of reported judgments under the Prevention of Corruption Act, Indian Penal Code, Code of Criminal Procedure, Partnership Act, Succession Act, Employees State Insurance Act and Transfer of Property Act bear testimony to the lucid exposition of complex questions of law in a plain and unambiguous language. This was also recognized by the Supreme Court, inasmuch as, after his retirement Justice Palkar was entrusted with the gigantic task of examining and identifying bogus cases of freedom fighters. Justice Palkar was appointed as One-Member Committee by the order dated 22nd August, 2005 of the Supreme Court. The said task was completed and it was reported that there were 298 bogus cases from Beed district and recommended revocation of pension to those freedom fighters.

This was accepted by the State Government vide its Resolution dated 21st March, 2007.

In the passing away of Justice Palkar, we have lost a "friend and great human being". Justice Palkar left behind him his wife, two sons and one daughter. In this hour of grief, on behalf of my colleagues, myself, High Court Registry and all of you assembled here, I convey our heartfelt condolences to the members of the bereaved family. May Almighty give them strength to bear the great loss.

May the departed soul rest in eternal peace.

Address by Shri R.M. Kadam, Advocate General.

My Lords the Chief Justice, Mr. Justice Kanade, Mr. Raghuwanshi, Additional Solicitor General of India, Mr. Patil, President of the Bar Council of Maharashtra and Goa, Mr. Dada, President, Bombay Bar Association, Mr. Thorat, President, Advocates' Association of Western India, Mr. Jani, President Incorporated Law Society, my learned friends, and members of the family of the late Justice A.B. Palkar.

We are assembled here to pay tribute to the memory of Justice Arvind Balkrishna Palkar who passed away during the summer vacation. Justice Palkar joined the bar in 1967 and started his practice at Akola. Justice Palkar opted for judicial service. He was appointed a Civil Junior Division Judge in 1972. As he rose through the judicial ranks, Justice Palkar earned the respect of the bar. As a judge he was especially courteous and polite to junior members of the bar and made every attempt to encourage them. In 1989 he was appointed as a judge of the Family Court at Bandra, Mumbai. As a Family Court Judge, his approach was primarily humane and he always tried to prevent protracted and acrimonious litigation and to promote amicable resolution. After a stint in the Family Court he was thereafter appointed as the Principal Secretary of the Law and Judiciary Department.

After almost three decades of judicial service, Justice Palkar was elevated to the Bombay High Court in June, 1997. His vast and varied experience stood him in good stead in the High Court. He was well versed in all the branches of law. He also acted as a Judge of the Special Court set up to handle cases arising out of the 1992 security scam. He was humble and had a quiet exterior which hid a very clever analytical mind. A search on any legal software will reveal the range of his judgments on all aspects of the law. After his retirement, Justice Palkar was a much sought after arbitrator. Even the State and High Court valued his services and appointed him to several committees to resolve difficult issues. Justice Palkar has left a distinct mark and made a definitive contribution to the history of our High Court. Though Justice Palkar has passed away, the Bar will remember him for a very long time.

My Lords, on behalf of the entire Bar of the State of Maharashtra, I join your Lordships in offering my condolences to the bereaved family. May his soul rest in peace.

The Hon'ble Chief Justice, Mr. Justice Kanade, Shri Ravi Kadam, learned Advocate General, Shri Rajiv Patil, Member, Bar Council of Maharashtra and Goa, Shri Rafiq Dada from Bombay Bar Association, Shri Thorat from the Advocates Association of Western India, Shri Jani from Bombay Incorporated Law Society of India, Palkar family, Members of the Bar, Ladies and gentlemen;

We have gathered here today to mourn the sad demise of Justice Arvind Balkrishna Palkar, retired Judge of this Hon'ble Court who breathed his last on 21st May, 2008.

Justice A.B. Palkar was born on 14th June, 1941 and completed his education in Bachelor of Science. After completing his Law Degree he practiced for four and half years at District Court at Akola. His area of specialization at the District Court level was in revenue and rent control matters. His practice was varied and dealt with both criminal and civil.

Justice A.B. Palkar was appointed as a Civil Judge, Junior Division on 24th February, 1972 and was finally promoted as a District Judge on 11th September, 1989. He also worked as a Principal Judge, Family Court and was Secretary to the Govt. of Maharashtra, Law & Judiciary. Finally, he was elevated as an Additional Judge of this Hon'ble Court on 9th June, 1997 and was made a permanent Judge on 1st June, 1999.

Justice A.B. Palkar's judicial wisdom always came to the rescue of litigants who were innocent and were being harassed. I remember one of the cases before him dealt with a doctor named Dr. Praful Deesai against whom criminal proceedings were launched in the subordinate courts. Justice A.B. Palkar not only quashed the said proceedings but also held that an honest professional acting in a patient's best interests cannot be held responsible for criminal conduct.

Justice A.B. Palkar made a sound and a competent Judge and had a good grasp of facts and knowledge of law. As a Judge he was soft-spoken, humane but at the same time firm.

Due to his vast accumulated legal acumen, Justice Palkar, even after his retirement was appointed as a one-man Commission to probe into

354 casesQp false freedom fighter certificate issued to claim pensionary benefits.;Hi-Iso held the post of Chairman, Consumer Grievance Redressal Forum under the Maharashtra State Electricity Distribution Companies Guidelines for Reliance Energy Ltd. for Mumbai Region.

It is unfortunate that we have lost such a tall legal personality from amongst us. I pray to the Almighty to give strength to his family members to bear the loss with strength and dignity. May his soul rest in peace.

Address by Shri Rajiv Patil, Member-representative, Bar Council of Maharashtra & Goa.

Honourable the Chief Justice of Bombay High Court, Mr. Swatanter Kumar, Honourable Justice Vidyasagar Kanade, Hon'ble Additional Solicitor General of India Mr. Rajendra Raghuvanshi, Hon'ble Advocate General Mr. Ravi Kadam, Hon'ble President, Bombay Bar Association, Mr. Rafique Dada, Hon'ble President, AAWI, Mr. Shankarrao Thorat, Hon'ble Vice President, Incorporated Law Society Mr. Jani, Family members of late Justice Palkar and members of the Bar.

21st May, 2008 was unfortunate day for all of us when Justice Arvind Balkrishna Palkar expired in ailment at Mumbai. A soft spoken, humane and a firm Judge departed for heavenly abode.

Justice Palkar belonged to Vidarbha Region. After he was enrolled on 13th September, 1967, he began his career at Akola. After brief experience at Bar for four and half years, he was appointed as Civil Judge, Junior Division, on 24th February, 1972, In the year 1989 he was promoted as District Judge and he also served as Principal Secretary to the Government of Maharashtra in Department of Law and Judiciary. He was Principal Judge of the Family Court, Mumbai and he was elevated to the Bombay High Court on 9th June, 1997.

Justice Palkar was a Judge who always kept his mind open till the last word in argument of the advocate. Every junior Advocate was most comfortable in his Court as he used to encourage them to search the case law and allow them to argue the matter in whichever way they wanted to. If anybody falters he used to advise them how to conduct the matter. Criminal law was his forte and he had some what different approach than the judge from judicial cadre. His judgment on Section 167 (2) of Criminal Procedure Code and Bail was one of the landmark judgments he delivered from this Bench.

Justice Palkar retired as a Judge of this High Court on 4th June, 2003 and he proceeded to conduct Mediation and Arbitration matters. He also acted as Chairman of Special Committee in the matter of Lloyds Finance limited. The State of Maharashtra had appointed Justice Palkar as One Man Commission to enquire into Pension cases of freedom fighters. The famous case is known as Bhaura Paralkar vs. The State of Maharashtra. His 215 pages report to the Government revealed many factors of the

process of •• t of pension to freedom fighters .

I share my deep feelings with the family of Justice Palkar and on behalf of Bar Council of Maharashtra and Goa I pay my respect to departed soul. I pray that may his soul rest in peace.

Address by Shri Rafiq Dada, Senior Advocate, President of the Bombay Bar Association

My Lord the Chief Justice, Mr. Justice Gajendra Prasad Desai, Mr. Ravi Kadam, the Advocate General of Maharashtra, Mr. Raghuvanshi, the Additional Solicitor General of India, Mr. Patil, Member of Bar Council of Maharashtra and Goa, Mr. Thorat, President of Advocates' Association of Western India, Mr. Jani, Vice-President of Bombay Incorporated Law Society, ladies and gentlemen,

We meet here this morning to make a reference to the sad passing away of Mr. Justice Palkar, a retired Judge of this Hon'ble Court.

Justice Palkar came to this Court after a rich experience in the Judiciary starting from 1972 when he joined as a Civil Judge, Junior Division. He worked in various posts in the Judiciary including as a Secretary, Law and Judiciary Department of the State of Maharashtra. He worked in the Family Court and finally as a Judge of this Court for five years.

Justice Palkar worked as a Judge of the Special Court and conducted many trials of persons who were accused in the securities scam. I personally appeared before him. The Bar found him very courteous and considerable. He decided complex cases with great dexterity. Justice Palkar retired from this Court and began to work as an Arbitrator. He was also in the panel of Judges who agreed to do arbitration in the panel of the Fast Track Arbitrators.

He did wonderful work as a Presiding Judge of the Pension Lok Adalat where I had personally had the privilege of working with him. Justice Palkar presided over the Pension Lok Adalat not only in Mumbai but also at Aurangabad and Nagpur. This work required Mr. Justice Palkar to work on at once a month on a Saturday. The work was totally free.

The passing away of Mr. Justice Palkar has left a void. He will be surely missed. His death in May, 2008 is a great loss and is a personal bereavement for members of the Bar.

On behalf of the Bombay Bar Association, I convey my condolence to the members of his family. Let us all pray that his soul may rest in eternal peace.

Address by S.P. Thorat, President, Advocates' Association of West India.

The Hon'ble Chief Justice, Mr. Justice Kanade, Shri Raghuvanshi, Additional Solicitor of India, Shri Ravi Kadam, learned Advocate General, Shri Rajiv Patil, Member, Bar Council of Maharashtra and Goa, Shri Rafiq Dada from Bombay Bar Association, Shri Jani from Bombay Incorporated Law Society of India, Palkar family, Members of the Bar.

I endorse the sentiments of the Hon'ble the Chief Justice Shri Swatanter Kumar and other speakers.

Shri Arvind Balkrishna Palkar who was known as A.B. Palkar passed away on 21st May, 2008. Late Shri A.B. Palkar, who was a very kind hearted Judge, always encouraged the Advocates and particularly the junior advocates were very comfortable before him. We never experienced any tension while arguing a matter before him.

After completion of graduation in B.Sc., Justice Palkar completed his LL.B. and started his practice in legal field at District Court at Akola in Vidarbha region. Within a short period of 4 and half years from 1967 he achieved huge success and reputation in the legal field. Therefore, within short period of 4 and half years he was selected for the post of Civil Judge, Jr. Division.

In the year 1989 he was promoted to the post of District Judge. Some time he was Judge of the Family Court. Subsequently Justice Palkar was appointed as a Principal Secretary of Law and Judiciary Department in the State of Maharashtra at Mantralaya.

On 9th June, 1997 Justice Palkar was elevated to the post of Additional Judge of Bombay High Court and immediately thereafter within one year i.e. On 7th June, 1999 he became a permanent Judge of the Bombay High Court. While on duty he had delivered number of important judgments.

After the retirement Justice Palkar kept himself very active and for number of years he was a Principal Judge of Pension Adalat where he solved number of critical matters of the pension Adalat. By which the number of senior citizens received justice.

Recently on 21st May, 2008 Justice Palkar passed away. His

pious and delightful personality will always remain. in our heart and nobody will forget him.

On behalf of Advocate Associations of Western India I pray that his soul will remain in peace and his family members will get a strength to bear a great loss.

My Lord Hon'ble the Chief Justice, My Lord Mr. Justice V.M. Kanade, Mr. Ravindra M. Kadam, Advocate General, Mr. Rajendra Raghuvanshi, Additional Solicitor General, Western Region, Mr. Patil representing the Bar Council of Maharashtra, Mr. Rafiq A. Dada, President Bar Association and Mr. Shankar Thorat, President, Western India Advocates Association and members of the Bar present here.

One who is born, death is certain. But the time and place of that event is most uncertain. Wherever you turn there is uncertainty, only death is sure, but even the day of your death is uncertain.

The judgments delivered by Justice Palkar shows his feelings for those who suffer and therefore when Vasant @ Mankya Bangade was asked to apply for Bail by a Sessions Court though he earlier had obtained bail from the Magistrate's Court but for want of funds he could not comply with the conditions then Justice Palkar ordered that the previous bail applied for continued and there was no reason to apply fresh for bail. Similarly in the matter of application of Section 125 of the Criminal Procedure Code, Justice Palkar held that substantive application under Section 125 cannot be decided merely on the basis of the affidavit.

Justice Palkar on his death to his family members and to all his near and dear ones would say:

"Death is nothing at all. I have only slipped away in the next room. I am I, and you are you. Whatever we were to each other that we still are. Call me by my old familiar name, speak to me in the easy way. Put no difference in your tone, wear no forced air of solemnity or sorrow. Laugh as we always laughed at the little jokes we enjoyed together. Let my name be ever the household word that it always was, let it be spoken without effect, without the trace of a shadow on it. Life means all that it ever meant. It is the same as it ever was; there is unbroken continuity. Why should I be out of mind because I am out of sight. (Henry Scott Holland: 1847-1918 Canon of St. Pauls Cathedral) .

I respectfully join my Lords and my colleagues in the prayer that the soul

of Mr. Justice Arvind Balkrishna Palkar may rest in eternal peace and his abiding memories may live for long. I extend on behalf of the Bombay incorporated Law Society condolences to the members of his family.

May his soul rest in eternal peace.