

ADDRESS BY HON'BLE THE CHIEF JUSTICE
SHRI DIPANKAR DATTA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
LATE SHRI JUSTICE SUMAN D. PANDIT,
FORMER JUDGE OF THE BOMBAY, DELHI AND GUJARAT HIGH COURTS, ON
OCTOBER 6, 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 of Maharashtra,

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

Shri Nitin Thakker, President, Bombay Bar Association,

Smt. Anjali Helekar, Vice-President,
Advocates' Association of Western India,

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

The members of the Pandit family,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff.

Ladies and Gentlemen.

Shri Justice Suman D. Pandit, a distinguished former Judge of the Bombay, Delhi and Gujarat High Courts, left for heavenly abode on September 4, 2021 at the age of 85 years, in Mumbai. We have assembled this morning to pay our respectful homage to His Lordship.

Justice Suman Dattaram Pandit was born on October 6, 1936 in a well-known Pandit Vakil Family of Sawantwadi, a former Princely state. He enrolled himself as an Advocate on June 20, 1962 and practised in the Courts at Ratnagiri and Sawantwadi, as a fourth generation lawyer. His Lordship joined the Maharashtra Judicial Service as Civil Judge, Junior Division and Judicial Magistrate, First Class on April 18, 1966. In 1978, His Lordship was promoted as Additional District & Sessions Judge and as District Judge in October, 1986. His Lordship was appointed as the Principal Judge of the Family Court at Pune as well as the Bombay.

His Lordship was appointed as an Additional Judge of the Bombay High Court for a period of two years with effect from October 6, 1994. Justice Pandit was transferred to Delhi High Court with effect from November 1, 1994 and appointed as permanent Judge of that High Court on September 25, 1995. His Lordship was, thereafter, transferred to Gujarat High Court on April 20, 1996 at his request and served such Court with distinction, until joining as Chairman of the Maharashtra Administrative Tribunal, Mumbai, on September 2, 1998. His Lordship served as such for three years from September 4, 1998 till October 5, 2001.

During his tenure of four years as a Judge of three High Courts, Justice Pandit delivered several judgments including reported judgments on different branches of law.

After demitting office as Chairman of the Maharashtra Administrative Tribunal, Mumbai, I am further told that His Lordship led an active life and was appointed arbitrator on a number of occasions to resolve various disputes between the parties. His Lordship was also appointed on Investor Grievances' Redressal Committee of Bombay Stock Exchange (BSE). His Lordship also worked as a committee member for a number of nationalized banks, such as Union Bank, Bank of Baroda, Bank of Maharashtra and Bank of India on their Non-Performing Assets (NPA) & recovery committees. Justice Pandit worked as arbitrator for Oil and Natural Gas Commission (ONGC) and host of other companies too. His Lordship was appointed as a member of Advisory Board under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA) and the Maharashtra Prevention of Dangerous Activities Act (MPDA), upto April 2020.

His Lordship was a sound Judge, always well acquainted with the facts and the law applicable to the case and that through his loyalty to ethics and dedication to the cause of upholding the values of judicial system, secured a remarkable reputation. Justice Pandit was always helpful to everyone, apart from guiding and advising them and endeared himself to everyone who came into his contact. His Lordship's life was marked by simplicity, sincerity, dedication and extreme hard work.

In him this Court has lost a Judge of great experience and knowledge. Having died an octogenarian, I am sure, His Lordship must have led a life that is fulfilling and meaningful and left this material world without any regret.

His Lordship is survived by his wife, two daughters, sons-in-law as well as son, daughter-in-law and grandchildren.

In this hour of grief, on behalf of my colleagues and on my personal behalf, I convey deepest condolences to the members of the bereaved family. I pray that the Almighty give them the strength to bear the irreplaceable loss and also pray that the noble soul of Justice S.D. Pandit attains "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
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Advocate General of Maharashtra,

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

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Mr. Kaiwan Kalyaniwalla, President,
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The members of the Pandit family,

Esteemed Senior Advocates and other learned members of the Bar,

Members of the Registry and the staff.

Ladies and Gentlemen.

We assemble this morning to pay our respectful homage to late Justice Suman Dattaram Pandit who left for his heavenly abode on September 4, 2021.

Justice Pandit after getting enrolled as an advocate in the year 1962 started practice in District Court at Ratnagiri on Civil, Criminal & Revenue side and joined judiciary as Civil Judge Junior Division and Judicial Magistrate First Class in 1966.

He then worked as Additional District & Sessions Judge, District Judge and Principal Judge of Family Court. In the year 1994, he was appointed as a Judge of the Bombay High Court and thereafter was transferred to Delhi & then Gujarat and ultimately retired in the year 1998.

After his retirement, Justice S.D. Pandit became the Chairman of the Maharashtra Administrative Tribunal, Mumbai and held the post from 2002 to 2005.

Justice Pandit was a wonderful human being and authored several landmark judgments on various subjects which have and continued to illuminate the path of all legal practitioners.

Justice Pandit's Judgements were always very easy to read and were written in a manner that even a layman would understand the meaning of it. He believed that the law is not only meant for the legal professionals to understand but is meant for the common man to understand and abide by it. So, if a judge or an advocate can't explain a legal proposition simply, it means he has not understood the concept properly.

He was also admired for his cool temperament and patience in Court, whilst dealing with matters.

Though he was kind-hearted but at the same time he was known to be fearless and an upright judge capable of dealing with any kind of matters be it Civil, Criminal or Constitutional.

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

I pray that his soul rest in eternal peace.

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ADDRESS BY SHRI ASHUTOSH A. KUMBHAKONI,
ADVOCATE GENERAL OF MAHARASHTRA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
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Ladies and Gentlemen.

There is very little that I can share, as and by way of my personal experience about justice Pandit, as I never had an occasion to interact with Justice Pandit, even outside the Court. Resultantly, I am addressing on the basis of the information that I have gathered from law journals and members of our Bar.

Justice Pandit had mastery over personal laws, be it Hindu Law or Mahomedan Law. I may site two Judgments delivered by Justice Pandit that are reported in 1995(1) MhLJ 538 and 1995(2) MhLJ 703.

In the case of Tanaji Kurlekar, interpreting Section 13 of Hindu Adoption and Maintenance Act, in the light of Section 14 of Hindu Succession Act, Justice Pandit held that, in the absence of any agreement to the contrary, merely on account of adoption of a child, the widow mother, who has become absolute owner of an immovable property, in view of Section 14 of Hindu Succession Act, 1956, does not lose her absolute right, to dispose of such property, by transfer, inter-vivos or by will.

In the case of Gafur Bhai Maniyar, dealing with Mohammedan Law, it was held by Justice Pandit that a Mohammedan father is entitled to bequeath only 1/3rd of his property

by way of a will and therefore, such a will can operate only to the extent of 1/3rd share. The balance 2/3rd share of his property is available for effecting partition amongst the heirs of the father.

In the same case of Maniyar, Justice Pandit settled the issues that are often debated by co-owners of immovable property. It is held that entry and possession of one of the co-owners of an immovable property is ordinarily deemed to be that of all the co-owners. It is further held that mere possession, however exclusive and long, if silent, cannot give such co-owner, an exclusive title as against the other co-owners. It was also clarified that mere payment of property taxes does not amount to hostile act of a co-owner in possession of the immovable property as against other co-owners and that much stronger evidence is required to be shown, to establish adverse possession, when such claim is made by a tenant-in-common than by a stranger.

Dealing directly with the issue of adverse possession itself, Justice Pandit in the case of Abasaheb Gharge, reported in 1996(1) MhLJ 209 held that an act of effecting Mutation Entry alone cannot confer title in respect of immovable property. A title to the immovable property can be acquired by adverse possession, as a result of open and hostile possession for more than 12 years. However, Justice Pandit reiterated the settled principle of law once again that, mutation entries or entries in the record of rights are made only for fiscal purposes of recovering revenue and that such entries by themselves cannot amount to transfer of title.

In the case of Laxmi Narayan Temple, Justice Pandit held that the Plaintiff is expected to plead only such facts on which suit claim is based and that the Plaintiff cannot be expected to plead the facts on the strength of which he could prove the falsity of the claim of the Defendants.

These and other reported decisions to which I am sure, other speakers will make a reference and demonstrate that Justice Pandit had a mastery over all branches of law and could deal with equal ease, every legal issue placed for consideration.

In passing away of Justice Pandit, we have lost a judge whose fundamentals of various branches of law were crystal clear.

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

May his soul rest in peace.

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ADDRESS BY DR. UDAY P. WARUNJIKAR,
MEMBER, BAR COUNCIL OF MAHARASHTRA & GOA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
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The members of the Pandit family,

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Members of the Registry and the staff.

Ladies and Gentlemen.

Sir,

On behalf of Bar Council of Maharashtra and Goa as well as two lakh lawyers enrolled from the States of Maharashtra and Goa, I fully associate myself with the feelings expressed by Hon'ble Chief Justice and other speakers.

Justice S.D. Pandit, who was known for his abilities to accept the new challenges and deliver the fruit successfully, was born on October 6, 1936. He was enrolled with the Bar Council of Maharashtra and Goa in the month of June 1962. He started his practice at Ratnagiri. Very soon, within the period of 4 years, he was appointed as a Civil Judge, Junior Division and Judicial Magistrate, First Class. In the year 1978, after getting promotion as a District Judge, Justice Pandit has rendered his services as Additional District & Sessions Judge at different places. In the year 1986, Justice Pandit became Principal District Judge.

After the Family Courts Act, 1984 was enacted; in the year 1989, Family Court at Bombay came to be established. Justice Pandit was appointed as the Principal Judge of the Family Court, Bombay. Apart from the Principal Judge of the Family Court at Bombay, he became Principal Judge of the Family Court at Pune. While compiling the history of Family Courts in the States of Maharashtra, contribution made by Justice Pandit as the Principal Judge, cannot be ignored.

He was instrumental in taking initiative for infrastructural developments in the Family Court at Bombay and Pune as well as implementation of the Family Court Act in the true letter and spirit.

On October 6, 1994, Justice Pandit was elevated as the Judge of this Hon'ble Court. After having a short tenure of around one month, he was transferred to Delhi High Court on November 1, 1994. Thereafter, Justice Pandit was further transferred to Gujarat High Court on April 20, 1996. Before attaining the age of superannuation, he was selected and appointed as the Chairman of Maharashtra Administrative Tribunal, established under the Administrative Tribunal Act, 1985. Justice Pandit was appointed as the 5th Chairman of Maharashtra Administrative Tribunal on September 4, 1998.

I consider it to be an honour for myself to have been able to appear before him when he was the Chairman of Maharashtra Administrative Tribunal during my early days of practice. Justice Pandit was known as a Court, which is based on the principles of equity. He was popular amongst the lawyers on account of his straightforwardness and the skills to accept new challenges. In the field of service matters, the cases in which the challenge is to the departmental enquiries and the punishment are known as matters in which comparatively less scope of judicial review, however, several members of the MAT Bar remember Justice Pandit as a specialist of the cases of such nature. The Ex-president of MAT Bar, Senior advocate, Arvind Bandiwadekar told me, "Justice Pandit was the first President of MAT who took initiatives in resolving problem of lawyers in the capacity as Chairman of the MAT. Those days, MAT was housed in the barracks near Mantralaya. For several years, there was no Bar room for the lawyers. It is Justice Pandit who took initiative and allotted space to the lawyers by shifting the office of presenting officers." Till 2010, Justice Pandit used to attend functions organized by MAT Bar. He was having very cordial relations with the lawyers.

After completion of the tenure as the Chairman of the Maharashtra Administrative Tribunal, Justice Pandit settled at Kandivali. He left for heavenly abode on September 4, 2021. On account of his demise, we have lost a very good human being and a very good Judge.

On behalf of Bar Council of Maharashtra and Goa, which represents two lakhs lawyers in the States of Maharashtra and Goa as well as on behalf of the Chairman, Vice-Chairman and the elected Members of the Bar Council of Maharashtra and Goa, I express our deep condolences to the family members of Justice Pandit.

May God give enough strength to the family members of Late Justice Pandit. Let his soul rest in eternal peace.

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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 SUMAN D. PANDIT,
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The members of the Pandit family,

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Members of the Registry and the staff.

Ladies and Gentlemen.

We have gathered today to pay our respects to the memory of Justice S.D. Pandit who would have been 85 years old today but for his sad demise on September 4, 2021. I fully associate myself with the sentiments expressed by My Lord, the Chief Justice and my fellow speakers. He loved cricket and represented Judges team against Advocates while he was District Judge. Besides being avid cricket fan, Justice Pandit had culinary skills which many of his then colleagues relished at his home. Late Justice Pandit devoted himself for service to the society. He believed that he has got lot from the society and he must give it back in terms of giving free legal advice to needy and acting as a mediator to settle the matrimonial disputes. He was a crusader for promoting literacy in rural areas in his native place-he would provide newspapers and magazines to the libraries at his own costs. He would also provide books to young children whose parents being daily wage earners would not be able to afford to buy the books. He firmly believed that those who are privileged few need to contribute more to the society and not depend on or leave it to Government or CSR activities of the corporates for betterment of the society we live in. A

great human being who treated his fellow humans as brothers and sisters he will be missed by all whose lives he touched but more so by his grieving family. One of his daughters is a lawyer.

On behalf of myself and BBA, I express my deepest sympathy to them and other family members for their loss and pray that Almighty grants his noble soul eternal peace.

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ADDRESS BY SMT. ANJALI HELEKAR, VICE-PRESIDENT,
ADVOCATES' ASSOCIATION OF WESTERN INDIA,
AT THE FULL COURT REFERENCE IN THE MEMORY OF
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Members of the Registry and the staff.

Ladies and Gentlemen.

I am here to pay homage to Late Hon'ble Justice S.D. Pandit on behalf of Advocates' Association of Western India.

I did not have opportunity to appear before His Lordship. But I was informed by a senior members of the Bar that Hon'ble Justice Pandit was a very good human being and was very hardworking. A senior lawyer Makarand Lonkar informed that Justice Pandit was one of the popular Chairman of Maharashtra Administrative Tribunal. He was a Judge giving importance to Equity. His Lordship provided Advocates' Bar room in MAT which was after a period of 10 years of establishment and improved working conditions considerably. I express my deepest condolences and pay respectful homage to the departed soul. I pray to God to give strength and courage to the 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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Ladies and Gentlemen.

I address this Reference as President of the Bombay Incorporated Law Society on whose behalf, I express condolences on the sad demise of Justice Suman Dattaram Pandit.

Justice Pandit hailed from a learned family and practiced as an Advocate in the Courts in Ratnagiri District. He ably served the cause of justice ever since he joined as Civil Judge, Junior Division in the 1960s. His acumen was constantly recognized through his promotions as District Judge in 1986 and thereafter as the Principal Judge of the Family Courts at Pune and Bombay. Though he was appointed as an Additional Judge of the Bombay High Court, Justice Pandit spent a major part of his tenure as a Judge of the Delhi and Gujarat High Courts. Though I did not have the privilege of appearing before him, I am told his interests and achievements took him beyond the practice of law and was a much-admired judge.

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

May the departed soul rest in peace.

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