

**ADDRESS BY HON'BLE SHRI KSHITIJ R. VYAS, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE REFERENCE TO LATE JUSTICE DAYABHAI VALLABHBHAI PATEL, A FORMER JUDGE OF THIS HIGH COURT, ON 24<sup>TH</sup> APRIL, 2006.**

My learned brother, Dr. Justice Chandrachud, Mr. Desai, Additional Solicitor General, Mr. Kadam, Advocate General of Maharashtra, Mr. Dada, President of the Bombay Bar Association, Mr. Joshi, President of Advocates' Association of Western India, Mr. Mehta, 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 late Shri Justice Dayabhai Vallabhbhai Patel, a former Judge of this Court, who left for his heavenly abode on 12<sup>th</sup> of March, 2006.

Justice D.V. Patel was born on 28<sup>th</sup> September, 1909 at Sevasi, presently in Gujarat State. He did his schooling at Anglo Urdu High School and Camp Education Society's High School at Pune, studied in Science stream and graduated with Physics as Principal Subject from Ferguson College at Pune. He thereafter studied Law from ILS Law College, Pune, and completed his studies in 1933.

Justice Patel was enrolled as an Advocate on 27<sup>th</sup> February, 1934 and joined the Chambers of Shri Utsavlal Shah. He commenced practice in this High Court both in Civil and Criminal laws and appeared in number of cases which were milestones in the respective field.

Justice Patel was appointed as Acting Judge of this High Court on 24<sup>th</sup> November, 1957, became Additional Judge on 15<sup>th</sup> December, 1957 and was made Permanent Judge on 4<sup>th</sup> September, 1958. During his tenure as a Judge of this Court Justice Patel had rendered many landmark and thought-provoking judgments.

For some personal reasons, Justice Patel relinquished his post on 25<sup>th</sup> November, 1969. Justice Patel thereafter started practice as a Senior Counsel in the Hon'ble Supreme Court of India and continued as such till 1983. During the said period, he also represented the State of Gujarat as Special Counsel. Justice Patel thereafter settled down in Ahmedabad, Gujarat, and continued to render services to the society as an Arbitrator in several matters.

Bred and brought up in Pune, Justice Patel was truly bilingual. He spoke and read Marathi as well as he spoke and read Gujarathi. And, interestingly, he had a flair for using the choicest words in both the languages.

Justice Patel had a passion for collecting antiques, his dominant choice being old cars. He was marked in those good old days for riding in a Buick Car. In his compound, there used to be an assortment of old broken cars like Austin and Vaukhall. He spent quite some time in repairing those cars. He was a mechanic in manifold ways. He, partly with his own hands, built his house at Khandala. Mr. M.P. Amin, the famous Advocate General, who was his neighbour in Khandala would often say in jest: "Justice Dayabhai, you should have taken to repairing and constructing homes rather than studying law".

Justice Patel smiled his way through life, just as he smiled his way through law. He never wore a frown and if ever he got angry with a learned friend, he soon forgot his anger and would smile apologetically. His law practice in the Bombay High Court for twenty years, his judgeship of the High Court for twelve years and his law practice in the Supreme Court for fifteen years marked an era of friendship at the Bar and on the Bench.

Justice Patel leaves behind two daughters and a son. They console themselves with the thought that he never suffered, not even when it was the end of the journey. In fact, he was doing arbitration until two months before he passed away. He has left behind a large circle of friends on whom he showered his affection and his jokes.

In the passing away of Justice Patel, the legal fraternity has lost a 'friend, philosopher and a guide'. In this hour of grief, on behalf of all of us, I convey our heartfelt condolences to the members of the bereaved family. May the Almighty give them strength to bear the great loss. May the departed soul rest in eternal peace.

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ADDRESS BY SHRI B.A. DESAI, ADDITIONAL SOLICITOR GENERAL,  
AT THE REFERENCE TO LATE JUSTICE DAYABHAI VALLABHBHAI PATEL,  
A FORMER JUDGE OF THIS HIGH COURT, ON 24<sup>TH</sup> APRIL, 2006.

I join My Lord the Hon'ble Chief Justice in paying homage to Shri Justice D.V. Patel, who is no more.

His death is, in a sense, a matter of personal grief.

I had a pleasure of appearing before him as a junior when he was the Judge. We all knew him as a strict but a fair Judge and he treated juniors and seniors alike. Even after his retirement I continued to meet him. When he settled down at Ahmedabad, I used to go to my friend's place, who was staying almost in the next door and I had pleasure of meeting him there also. He retained his jolly nature and sense of humour and that is why he lived for a long time, but even then, his death is going to be a loss to the legal profession and also to the society at large and, of course, to his family.

Hon'ble Mr. Justice Dayabhai Vallabhbhai Patel was born on 28<sup>th</sup> September, 1909. He was educated at Anglo Urdu High School, Poona, Camp Education Society's High School, Poona, Sir Parashram Bhau College and Ferguson College. He obtained his law degree from Law College, Poona. He was enrolled as an Advocate on 27<sup>th</sup> February, 1934. He did both civil and criminal work on the Appellate Side while at the Bar. He was appointed as an Acting Judge of the Bombay High Court on 24<sup>th</sup> November, 1957 and an Additional Judge on 15<sup>th</sup> December, 1957. He became a Permanent Judge on 4<sup>th</sup> September, 1958. He resigned on 25<sup>th</sup> November, 1969.

I convey my condolences through this Reference to his family members.

May his soul rest in peace and may God give his family the strength to bear the loss.

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ADDRESS BY SHRI RAVI KADAM, ADVOCATE GENERAL OF MAHARASHTRA, AT THE REFERENCE TO LATE JUSTICE DAYABHAI VALLABHBHAI PATEL, A FORMER JUDGE OF THIS HIGH COURT, ON 24<sup>TH</sup> APRIL, 2006.

My Lords the Chief Justice and Dr. Justice D.Y. Chandrachud, Mr. Desai, Additional Solicitor General of India, Mr. Dada, President, Bombay Bar Association, Mr. Joshi, President, Western India Advocates' Association, Mr. Mehta, Secretary/President, Incorporated Law Society, and my learned friends,

The ides of March have claimed another distinguished judge Shri Dayabhai V. Patel, who passed away at Ahmedabad. Justice Patel was born on September 28, 1909 and completed his entire education in Pune.

Justice Patel joined the Bar in 1934 and did both civil and criminal work. He practised as an advocate for about 22 years on the Appellate Side of this Hon'ble Court before he was appointed as an Acting Judge on November 24, 1957. Within a year thereafter he was sworn in as a Permanent Judge of this Hon'ble Court on September 04, 1958. After being on the bench for 12 years, at the age of 60 Justice Patel resigned office of a Judge of this Hon'ble Court and returned to the Bar.

After his return to the Bar he took up practice in the Hon'ble Supreme Court of India and appeared in a number of important matters. The range of his practice is apparent in the large number of reported Supreme Court judgments which reflect his appearance as Counsel for the contesting parties. He was a standing Counsel for the State of Maharashtra and the State will never forget the services rendered by him to it by his able representation of its cause before the Supreme Court.

In the later years he took up arbitration work. His services as an arbitrator were in great demand due to his acumen and sense of fairness.

Despite his age Justice Patel was always sharp and alert and it was a great challenge for lawyers who appeared before him to keep pace with his ability and grasp.

Justice Patel had led a full life and almost completed a century before fate willed otherwise.

My Lords, on behalf of the entire Bar of the State of Maharashtra, I join Your Lordships in condoning the death of Mr. Justice Dayabhai Patel.

May his soul rest in peace.

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**ADDRESS BY SHRI R.A. DADA, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE REFERENCE TO LATE JUSTICE DAYABHAI VALLABHBHAI PATEL, A FORMER JUDGE OF THIS HIGH COURT, ON 24<sup>TH</sup> APRIL, 2006.**

My Lord, the Chief Justice, My Lord Mr. Justice Chandrachud, Mr. Desai, Additional Solicitor General of India, Mr. Ravi Kadam, Advocate General of Maharashtra, Mr. Balkrishna Joshi, President, Advocates Association of Western India, Mr. Mehta, President, Incorporated Law Society and Ladies and Gentlemen:

On behalf of the Bombay Bar Association, I join in the Reference to Mr. Justice Dayabhai Patel, a former Judge of this Hon'ble Court.

Mr. Justice Patel worked as an Advocate in this Court between 1930 and 1959, when he answered the call to join the Bench.

He started as a junior in the chambers of Mr. U.L. Shah, a senior lawyer of those times. In a speech to the Bar in 1969, he referred to his junior days. He mentioned that when he started, even the lowest rung of the ladder was out of his reach. By a sheer dint of perseverance, he became a busy and successful lawyer.

As a Judge, he was known as a Judge for the underdog. His Court was known as a Court of equity. In *Aniha D'Costa v. Parvatibai* (69 BomLR 452), he held that even if a transaction was couched as a lease and licence, it could be a lease. He enunciated the "real nature of the transaction" test. In a famous case of a Fire Brigade Officer who had died in an accident under a B.E.S.T. bus, he gave compensation to the widow and the minor children although the Municipal Corporation argued that the claim against the Corporation was liable to be dismissed for want of notice under Section 527 of the Municipal Corporation Act.

Mr. Justice Patel was known for his ever-smiling face, amiable disposition and quick disposal of cases.

He retired, by choice, at the age of 60 in 1969. The Bombay Law Reporter paid a tribute to him by writing:

"In his endeavour to do justice his approach at times took an unorthodox turn, but results justified the means."

He joined the Supreme Court Bar in 1969 and practised for more than two decades in Delhi. He appeared in many leading cases before the Apex Court. In the 1990s, he settled in Gujarat, and worked as an arbitrator.

I appeared before him in an arbitration matter. He was over 90 years then but looked like a person half his age. He was young in spirits; he had a spring in his step and a gleam in his eye. It was a pleasure to appear before him.

He passed away after living a full life at the age of 97 years. On behalf of the Bombay Bar Association, I extend my condolence to the members of his family and to his legends of admirers. For them, I quote a portion of his speech he made on the day he left this Court.

"Friends, all partings are sad and sadder to me that I must part from the institution, where I lived for the best part of my life. But then everything that has a beginning has an end as life itself."

A wonderful soul is no more. May his soul rest in eternal peace!

**ADDRESS BY SHRI BALAKRISHNA JOSHI, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE REFERENCE TO LATE JUSTICE DAYABHAI VALLABHBHAI PATEL, A FORMER JUDGE OF THIS HIGH COURT, ON 24<sup>TH</sup> APRIL, 2006.**

The Hon'ble the Chief Justice Shri Kshitij R. Vyas of the High Court of Judicature at Bombay, Hon'ble Dr. Justice Chandrachud, Shri B.A. Desai, Additional Solicitor General, Shri Ravi Kadam, Advocate General, Maharashtra State, Shri Rafiq Dada, President of Bombay Bar Association, Shri Prakash Mehta, President of Bombay Incorporated Law Society, and friends:

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

Sir, we have assembled here to pay tribute to Justice Shri Dayabhai Vallabhbhai Patel, who was a great Judge, who passed away on 12<sup>th</sup> March, 2006 at Ahmedabad. Justice Patel was born on 28<sup>th</sup> September, 1909. He educated from Anglo-Urdu High School, Poona, and Camp Education Society's High School, Poona. He completed his college education from Sir Parashram Bhau College, Fergusson College and Law College, Poona. He was enrolled as an Advocate on 27<sup>th</sup> February, 1934. Justice Patel joined the Bar on the Appellate Side of the Bombay High Court in the year 1934. Justice Patel mainly practised in civil and criminal matters on the Appellate Side of the Bombay High Court. Justice Patel acquired large practice and was one of the leading lawyers then on the Appellate Side of the Bombay High Court. Justice Patel soon made a mark in this Court with his persuasive and forceful advocacy. Justice Patel was also elected as the President of the Advocates' Association of Western India in the year 1957.

Justice Patel was appointed as an acting Judge of the Bombay High Court on 24<sup>th</sup> November, 1957 and as Additional Judge of the Bombay High Court on 15<sup>th</sup> December, 1957. Justice Patel was appointed as permanent Judge of the Bombay High Court on 4<sup>th</sup> September, 1958 and he resigned as a Judge of this Court on 25<sup>th</sup> November, 1969. He was gentleman as a Judge of this Court and had treated Advocates with respect. Justice Patel always maintained the prestige, dignity and independence of his judicial office. Of all his judicial qualities, the most characteristic and creditable was his dislike of technicalities when they stood in the way of substantial justice. He spared no pains to get to the bottom of the questions that came before him and kept his mind open till all the arguments were fully advanced. He never gave any lawyer ground for complaining that he had not been heard in full and treated alike all lawyers, whatever their standings, with uniform courtesy and patience. The lucidity with which he analysed the evidence of a very complicated nature and the directness with which he came swiftly to his conclusions, both upon facts and law, bear ample testimony to the acute grasp of a mastermind. Justice Patel was a warm lover of equity and he was always desirous of doing substantial justice. His judgments are chiefly based on sound principles and bear the impress of great perception.

Justice Patel approached each and every legal problem with his wide outlook and deep insight. Justice Patel's vast experience of law, social issues and human approach helped to solve many legal problems.

Justice Patel was a diamond-hard person, who could not compromise on fundamentals. We find very few people of such unflinching conviction and commitment. No inducement can buy them and no threats can cow them down. We, at the bar, lost a Judge, before whom it was an intellectual challenge to appear, a Judge with a passionate desire to do justice.

The Members of the Advocates' Association of Western India share the grief of the members of Justice Patel's family and we sincerely hope that the family of Justice Patel will find courage to bear this loss. May God rest his soul in peace.

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ADDRESS BY SHRI PRAKASH MEHTA, PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY AT THE REFERENCE TO LATE JUSTICE DAYABHAI VALLABHBHAI PATEL, A FORMER JUDGE OF THIS HIGH COURT, ON 24<sup>TH</sup> APRIL, 2006.

My Lord the Chief Justice, Hon'ble Dr. Justice Chandrachud, Mr. B.A. Desai, the Additional Solicitor General of India, Mr. Ravi Kadam, the Advocate General of Maharashtra, Mr. Rafiq Dada, the President of the Bombay Bar Association, and Mr. Balkrishna Joshi, the President of the Advocates Association of Western India:

With respect, I concur with what My Lord the Chief Justice and the learned Additional Solicitor General, the learned Advocate General, the President of the Bombay Bar Association and the President of the Advocates Association of Western India have submitted at Your Lordship's Bar.

On behalf of the Bombay Incorporated Law Society, I wish to convey to the members of the family of Mr. Justice Patel our heart-felt condolences.

May his soul rest in peace.

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