

ADDRESS BY HON'BLE SHRI SWATANTER KUMAR CHIEF JUSTICE,
HIGH COURT OF JUDICATURE AT BOMBAY AT THE FIRST COURT
REFERENCE TO LATE SHRI K.G. SHAH, FORMER JUDGE OF THE
BOMBAY HIGH COURT, HELD ON TUESDAY, 10TH JUNE, 2008.

My esteemed colleagues, 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. Nitin
Gangal, Vice-President of Advocates' Association of Western India, Mr.
Zaiwala, Vice-President, Bombay Incorporated Law Society, learned
Members of the Bar, members of the bereaved family, distinguished
Ladies and Gentlemen,

We have assembled here this morning 10 mourn the
sad demise of late Justice Shri Krishnavadan Gordhandas Shah, former
Judge of the Bombay High Court who left for his heavenly abode on 22nd
March, 2008 at the age of 72 years.

Justice Shah was born on 9th April, 1935. Justice Shah had his
education at Umreth Jubilee Institution, Umreth, V.P. Mahavidyalaya,
Vidyanagar, M.G. Science Institute, Ahmedabad and Sir LfA. Shah Law
College, Ahmedabad. After obtaining Law degree Justice Shah was
enrolled as an Advocate on 30th August, 1960 and started the practice at

Nadiad in District Kaira of Gujarat State. After twelve years of practice in civil criminal and revenue side, in 1972 Justice Shah joined Gujarat State Higher Judicial Service. During the period of eighteen years from 13th October, 1972 to 20th June, 1990, Justice Shah held the posts of City Civil Court Judge and Principal District Judge.

In recognition of his judicial work in the State Judicial Service, he was elevated as Judge of Gujarat High Court on 2nd June, 1990. After working in Gujarat High Court for about four years, Justice Shah was transferred to Allahabad High Court on 4th July 1994. On 13th December 1994 Justice Shah was transferred to the Bombay High Court.

Justice Shah adorned the office of Judge of the Bombay High Court during the period from 13th December, 1994 to 9th April, 1997. After long unblemished and in fact, distinguished service of twenty five years in the Judiciary, Justice Shah retired as Judge of the Bombay High Court on 9th April, 1997.

While in the Bombay High Court Justice Shah acquired reputation of his own and was known for qualities of head and heart. I

am told that although Justice Shah was known to be a soft-spoken, courteous and humane Judge, still he was firm in dispensation of justice and believed in supremacy of Rule of law.

Justice Shah delivered number of judgments as Judge of the High Court in various fields of law including constitutionally, Transfer of Property Act, Maharashtra Land Revenue Code, Representation of Peoples Act, 1951 and the Taxation laws. His judgments stated the complex principles of law in simple and straight language so that the enunciated law could be understood and applied as precedent with convenience.

In the passing away of Justice Shah, the legal fraternity has lost a 'guide'. The name of Justice Shah would be written in the annals of the history of this Court as a great human being.

I am told that Justice Shah left behind him one son and two daughters and they are well settled in USA. 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. We pray to the Almighty that he may grant the family the strength and fortitude to bear this great loss.

May the departed soul rest in eternal peace.

*ech by Mr. R.B. Raghuvanshi. Additional Solicitor General. at the First Court Reference to late Shri K.G. Shah former Judge of the Bombay High Court on 10th June, 2008.

The Honourable Chief Justice, the Hon'ble Shri Justice Kanade, Shri Rajiv Patil, Member, Bar Council of Maharashtra and Goa, Shri Rafiq Dada, President Bombay Bar Association, Shri Nitin Gafalg, Vice-President, Advocates Association of Western India, Shri Zaiwalla, President, Bombay Incorporated Law Society, member~ of the bereaved family, members of Bar, ladies and gentlemen;

We have heard the sentiments expressed by the Hon'ble Chief Justice on the said demise of Justice K.G. Shah. I share every sentiments expressed by Honourable Chief Justice and wish to add a few of my own.

Justice Shah commenced his education in Umreth, Gujarat and completed his Graduation and Law Degree from Ahmedabad. He was enrolled as an Advocate in the year 1960 at Ahmedabad. After twelve years of practice, he joined as an Assistant Judge in the year 1972. He was appointed as a Judge of the Gujarat High Court on 2nd June, 1990. He was transferred to this Court in 1994 and retired from this Court on 9th April, 1997. During his tenure, Justice Shah delivered many important landmark judgments in various fields Le. Land Revenue Code, election matters, etc.

He was one of the eminent Judges of this coun] His approach to the members of the Bar, especially junior advocatesJ was cordial. As a Judge, his great asset was his ability to maste~ any aspect of laws. He was an asset to this Court. After his retirement, Justice Shah settled in Ahmedabad and serVed there as a Commissioner to enquire into the Gujarat riots. He passed away at the age of 73. We have lost a friend, philosopher and guide. •

It is unfortunate that we have lost such an illustrious, legal personality from amongst us. I pray to the almighty to give strength to his family members to bear the loss with strength. May his soul rest in peace.

speech by Mr. Raiiv Patil, Member. Bar Council of Maharashtra and Goa, at the First Court Reference to late Shri K.G. Shah, former Judge of the Bombay High Court on 10th June, 2008.

Honourable the Chief Justice Mr. Swatanter Kumar and Honourable Justice V.M. Kanade of the Bombay High Court, Hon'ble Additibhal Solicitor General of India Mr. Rajendra Raghuvanshi, Hon'ble Mr. Rafiq Dada, President of the Bombay Bar Association, Hon'ble Mr. Nitin Gangal, Vice-President, Advocates Association of Western India, Hon'ble Mr. Zaiwalla, President of Bombay Incorporated Law Society, family members of late Mr. Justice K.G. Shah, ladies and gentlemen;

We are here to pay our respect to ,late Mr. K.G. Shah, former Judge of this High Court who left for heavenly abode on 22nd March, 2008 at Ahmedabad.

Justice Shah was from a small town of Umreth in State~:Of Gujarat. Justice Shah cQmpleted his schQQIeducatiQn in Umreth a d was a Science graduate of M.G. Science Institute of Ahmedabad. e also completed his Law Education in Ahmedabad in the year 1958. e started his career as lawyer at Nadiad in the year 1960.

After 12 years of law practice he was appointed as Assistant Judge and within ten months he was promoted as District Judge at Amreli in the year 1973. After brief tenure of three years he was appointed as City Civil Court Judge at Ahmedabad. He rose to the post of Principal Judge of the City Civil Court at Ahmedabad in the year 1983.

On 2nd June, 1990, he was elevated as a Judge of Gujarat High Court and was Judge of Gujarat High Court till 3rd July, 1994. He was transferred to Allahabad High Court in the year 1994. ~ter brief periQd Qf five mQnths, he was transferred tQ BQmbay High CQ~rt on 13th December, 1994. He retired as a High Court Judge of this H gh Court on 9th April, 1997. Known for his soft nature and uprightness he was one of the eminent Judges of this High Court.

After his retirement, he went back to Ahmedabad, associated himself with literature and music. The Government of Guj~t after Godhra Carnage appointed him as a Commissioner to enquire into Gujarat riots. The said Commission was thereafter was headed by Justice Nanavati along with Justice Shah.

While Commission was to complete its term in June, 2008, he passed away at the age of 73. He was suffering from ailment of cancer.

On behalf of Bar Council of Maharashtra and Goa I pay my respects to departed soul and pray that May his soul rest in peace.

Speech by Mr. Rafiq Dada, President of the Bombay Bar Association at the First Coun Reference to late Shri K.G. Shah on 10th June, 2008.

My Lord the Chief Justice, Mr. Justice Kanade, Mr. Raghuvanshi, Additional Solicitor General of India (Western Region), Mr. Pati! , Member of Bar Council of Maharashtra and Goa, Mr. Nitin Gan:~l, Vice-President of Advocates' Association of Western India, Mr. Zaiwalla, President of Bombay Incorporated Law Society, Members of the bereaved family and my colleagues at the Bar.

On behalf of the Bombay Bar Association, I endorse the sentiments expressed by my Lord, the Chief Justice and the speakers who preceded me.

Mr. Justice K.G. Shah came to this Coun in 1994. His tenure in this Coun was for three years. However, in this shon tenure, he won the respect and admiration of the Bar.

Mr. Justice Shah decided many imponent cases in Company Law, Commercial Law and the Law of taxation. He had a knack for making complex cases simple.

His Coun was characterized by his eanhy humour and courtesy. Mr. Justice Shah put Advocate at ease and extracted the best out of them. On his retirement, he met us in the Supreme Court of India. He always had a special word of praise for Bombay lawyers and said that he had a special affection for the Bombay Bar.

In his passing away, the Bombay Bar has lost one of its most respected Judges.

On behalf of the Bombay Bar Association, I exten'd ~y condolences to the members of the bereaved family. May his soul rest in eternal peace.

Address by Mr. Nitin Gangal, Vice-President, Advocates' Association of Western India, at the First Court Reference to late Shri KG. Shah, former Judge of the Bombay High Court on 10th June, 2008.

My Lord the Chief Justice, My Lord Justice V.M. Kanade, Mr. Raghuvanshi, Additional Solicitor General of India, Mr. Rajiv Patil, representing Bar Council of Maharashtra and Goa, Mr. Rafiq Dada, President of Bombay Bar Association, Mr. Dinsoo Zaiwalla, President of Incorporated Law Society, Members of Justice KG. Shah family and my colleges.

My Lords, we have gathered here today to mourn the sad demise of late Mr. Justice K.G. Shah, who left for his heavenly abode on 22nd May, 2008. I endorse the views expressed by earlier speakers.

As rightly expressed, late Justice KG. Shah was extremely proficient in Revenue matters. One of his landmark judgment reported in 1996 (2) BCR 555 gave interpretation to certain important Rules under the Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971. While dealing with the issue of State's power to dispose off Government land, Justice KG. Shah held that the State is not and cannot be as free as an individual in selecting the recipient or its largess. The democratic Government cannot lay down arbitrary and capricious standards for the choice of persons with whom it will deal. Whatever the activity, the Government is still the Government and will be subject to restraints, inherent in its position in a democratic society.

He has also delivered important judgments under the Representation of People Act, 1951.

There was one remarkable thing about Justice late KG. Shah. Whatever may be complexity of the matter, the smile on his face never left him. He was a very compassionate person with magnanimous heart.

I remember one incident when I was sitting in his Court. One Senior Advocate attempted to take adjournment in the matter on

the ground that the copies of exhibits in the petiti^{*} are not translated. He was under the impression that Justice K.G. SHah did not know Marathi. While refusing the adjournment, Justice ~.G. Shah called upon the concerned counsel not only to go through the relevant documents in vernacular, but also picked up the relevant point and decided the matter accordingly.

With his death, we have lost a gem of a man. He lived his full life. On behalf of Advocates Association of Western India, I give my condolence to the family members of late Justice K.G. Shah and hope that God may give them courage to bear the loss. May his soul rest in peace.

Address by Dinsoo Zaiwalla, President, The Bombay Incorporated Law Society, at the First Court Reference to late Shri K.G. Shah, former Judge of the Bombay High Court on 10th June, 2008

My Lord Hon'ble the Chief Justice, My Lord Mr. Justice V.M. Kanade, Mr. Rajendra Raghuvanshi, Additional Solicitor General, Western Region, Mr. Patil, representing the Bar Council of Maharashtra, Mr. Rafiq Dada, President Bar Association and Mr. Nitin Gangal, Vice-President, Western India Advocates Association, members of the family of late Justice Shah, my colleagues at the Bar.

On behalf of the Bombay Incorporated Law Society, and fraternity of Solicitors it has fallen on me to convey our members' grief on the sad demise of Justice Krishnavadan Shah who left us on 22nd March, 2008.

With respect I concur with the sentiments so eloquently expressed by the learned Chief Justice and by the learned previous speakers submitted to your Lordship's Bar today.

Justice Shah started his educational career from Umreth Jubilee Institution and Sir L.A. Shah Law College, Ahmedabad, passing from which college he was enrolled as an Advocate on 30th August, 1960 at Ahmedabad.

Justice Shah, after an eventful practice both on the Civil and Criminal Side in the Gujarat Courts was invited to the Bench as an Assistant Judge on 13.10.72 and was elevated to the High Court of Gujarat on 25th June, 1990. Justice Shah was transferred as a Judge of the Bombay High Court on 13th December, 1994 and served the Bombay High Court for over three years.

He was indeed a great asset to the judiciary in this conflict ridden world, however, we are all subject to the call of that great force which men called God.

Justice Shah has proceeded on his onward journey after completing his time and may this great force that governs all of us give