

**ADDRESS BY THE HON'BLE THE CHIEF JUSTICE SHRI DIPANKAR DATTA, AT THE FULL COURT REFERENCE IN THE MEMORY OF LATE SHRI SURESH KANTILAL SHAH, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON 8<sup>th</sup> FEBRUARY, 2022 AT 10 A.M. IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING, HIGH COURT, BOMBAY.**

My esteemed sister and brother Judges,

Shri Ashutosh A. Kumbhakoni,  
Advocate General for Maharashtra,

Shri Vitthal Konde-Deshmukh,  
Member, Bar Council of Maharashtra & Goa,

Dr. Birendra Saraf,  
Vice President, Bombay Bar Association,

Shri Sanjeev P. Kadam,  
President, Advocates' Association of Western India,

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

Esteemed Senior Advocates and other learned members of the Bar,

Bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen!

We have assembled here this morning to pay homage to Hon'ble Justice Suresh Kantilal Shah, a distinguished former Judge of the Bombay High Court, who left for his heavenly abode on 13<sup>th</sup> January, 2022 at the age of 77 years.

Although Justice S.K. Shah is no longer in our midst, I must mention that His Lordship lived a life full of discipline, honours and achievements and would remain an inspiration. It has been gathered by me that His Lordship loved his work immensely and was extremely passionate about it. He was proud to be an integral part of the country's judicial system.

Justice S.K. Shah was born on 11<sup>th</sup> May, 1945. His father was a District Judge and because of routine service transfers of his father, His Lordship had early schooling in various towns in the districts of Maharashtra. His Lordship graduated in Commerce from Dhule and then, obtained the Bachelor's Degree in Law from the Government Law College, Bombay. His Lordship was then enrolled as an advocate under the Advocates Act in 1969 and started practising at the District Court, Dhule. His Lordship's judicial career began with appointment as a Civil Judge (Junior Division) on 2<sup>nd</sup> April, 1974. After having worked in diverse capacities like Law Secretary, Mantralaya, District Judge of several districts, Judge, Special Court for TADA cases in Pune, Judge of the City Civil Court at Bombay and as the Principal Secretary and Remembrancer of Legal Affairs in the Law and Judiciary Department of the Government of Maharashtra, His Lordship was elevated as an Additional Judge of the Bombay High Court on 27<sup>th</sup> September, 1999. Little in excess of a year thereafter, His Lordship was appointed as a Permanent Judge on 2<sup>nd</sup> December, 2000. While functioning as a Judge, His Lordship was given additional charge as Special Judge under the Special Court (Trial of Offences Relating to Transactions in Securities)

Act, 1992 on 5<sup>th</sup> August, 2003. His Lordship ultimately demitted the office of a Judge on retirement on 11<sup>th</sup> May, 2007, ending his successful judicial career on a very satisfactory note.

As a Judge of the Bombay High Court, His Lordship delivered a number of remarkable judgments in various subjects of law, mainly in civil and criminal matters. These decisions are of immense precedential value.

Post retirement, His Lordship had worked as the Presiding Officer of the University Tribunal for a period of three years. Thereafter, His Lordship had taken up arbitration and had a successful stint as an arbitrator almost till the last days of his life. Overall, His Lordship had an active life and the indomitable spirit in pursuit of service of law was with him till the end.

His Lordship was an ardent fan of sporting activities like badminton and swimming, though hockey was his favourite sport which he used to play during his school and college days. I am told that His Lordship was a regular at Sachivalaya Gymkhana, Mumbai. His Lordship also had a passion for cooking and loved food but he would always say "eat whatever you want but in moderation".

His Lordship is survived by his widow, Mrs. Bharati Shah, who worked as an Art teacher in some of the prestigious schools of Mumbai; son, Shri Rahul Shah, a successful software professional, currently based in Singapore and a daughter, Smt. Meghana Kagalwala, a highly qualified Chartered Accountant.

On behalf of my esteemed colleagues and on my personal behalf, I extend 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.K. Shah attains "sadgati".

Om Shanti ! Shanti !! Shanti !!!

**ADDRESS BY SHRI ASHUTOSH A. KUMBHAKONI,  
ADVOCATE GENERAL, STATE OF MAHARASHTRA, AT THE  
FULL COURT REFERENCE IN THE MEMORY OF LATE SHRI  
SURESH KANTILAL SHAH, FORMER JUDGE OF THE  
BOMBAY HIGH COURT, ON 8<sup>th</sup> FEBRUARY, 2022 AT 10 A.M.  
IN ROOM NO.46, CENTRAL COURT HALL, MAIN BUILDING,  
HIGH COURT, BOMBAY.**

Hon'ble the Chief Justice,

Hon'ble Judges of this Court

Shri Vitthal Konde-Deshmukh,  
Member, Bar Council of Maharashtra & Goa,

Dr. Birendra Saraf,  
Vice President, Bombay Bar Association,

Shri Sanjeev P. Kadam,  
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President, Bombay Incorporated Law Society,

Esteemed Senior Advocates and other learned members of the  
Bar,

Bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen!

Shri. Anil Singh, the learned Additional Solicitor General has not been able to attend today's reference on account of his personal difficulty. Please permit me today to address on his behalf as well.

My personal appearances before Justice Suresh Kantilal Shah, popularly known as Justice S. K. Shah, were very far and few. I never had an occasion to conduct a matter at length before Justice Shah. Most of the matters I conducted did not require lengthy interaction with Justice Shah. Therefore, I could not experience personally the way Justice Shah was conducting the matters in the Court.

The Law Journals, however, speak very highly about the legal acumen and accuracy of Justice Shah. There are various reported decisions, which are authored by Justice Shah. One of which is also of a Full Bench, which was delivered on 21<sup>st</sup> September 2001 at Nagpur. Speaking for the Full Bench in the decision delivered in the case of *Rehmnkha Kaukha vs. the State of Maharashtra*. Justice Shah held that the very fact that the accused had made an application on 91<sup>st</sup> day seeking release on the ground of default bail, since within the period of 90 days, charge-sheet was not filed, would indicate that he was prepared to furnish a bail. Therefore, the Magistrate, by postponing the order on the application for grant of default bail, could not have defeated the right accrued to the accused of being released on the default bail. This judgment overruled the view taken earlier and reported in **1993 Mh. L. J. 1299**.

Justice Shah had an occasion to deal with a very peculiar case, the judgment of which delivered by Justice Shah, is reported in **2001 (3) Mh. L. J. 434**. In this case of *Riyazuddin vs. Tayyab Razak*, the plaintiff filed a suit claiming decree of perpetual injunction against the defendant and his followers restraining them, publicly and socially claiming that they were Muslims. Justice Shah held that section 9 of the Code of Civil Procedure required that there should be a suit in which 'right to property' or 'to an office' ought to be involved. Justice Shah held that such a suit was not maintainable, as framed and filed,

since it did not indicate such civil right. Since the suit involved a question which was purely of religious nature and that the nature of injunction sought would be directly in conflict with the freedom enjoyed by the defendant, in view of provisions of Article 25 of the Constitution of India, the same was not at all maintainable.

Various law journals of the relevant period demonstrate that Justice Shah decided issues arising out of almost every branch of law. I may mention few, keeping in view the time constraints.

The issue relating to recall of witnesses under section 311 of the Criminal Procedure Code, the issue relating to rejection of plaint on the ground of limitation arising out of provisions of Order 7 Rule 11 of the civil Procedure Code, the issue relating to the disqualification of Members of Managing Committee of a cooperative society running hospital, the issue relating to the entitlement of the employees to get the benefit of full wages after the age of superannuation, by taking recourse under section 17(B) of the Industrial Disputes Act and many more.

Thus, Justice Shah enlightened all of us on various aspects of law. In passing away of Justice Shah, we have lost an eminent jurist and above all a thorough gentleman.

In join in the sentiments expressed by My Lord Hon'ble the Chief Justice and express my deepest condolences to bereaved family of Justice S. K. Shah.

May his soul rest in peace.

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**ADDRESS BY SHRI VITTHAL KONDE-DESHMUKH, MEMBER,  
BAR COUNCIL OF MAHARASHTRA & GOA, AT THE FULL  
COURT REFERENCE IN THE MEMORY OF LATE SHRI  
SURESH KANTILAL SHAH, FORMER JUDGE OF THE  
BOMBAY HIGH COURT, ON 8<sup>th</sup> FEBRUARY, 2022 AT 10 A.M.  
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Hon'ble the Chief Justice,

Hon'ble Judges of this Court

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Advocate General of Maharashtra,

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Vice President, Bombay Bar Association,

Shri Sanjeev P. Kadam,  
President, Advocates' Association of Western India,

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

Esteemed Senior Advocates and other learned members of the  
Bar,

Bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen!

It is with utmost grief that we have assembled here this morning  
to pay homage to Late Justice Shri Suresh Shah, former Judge of this

Hon'ble Judge of this Court, who left for his heavenly abode on 13<sup>th</sup> January 2022 at the age of 77.

I fully endorse the views expressed by the Hon'ble Chief Justice and my colleagues and I beg to add a few words.

Justice Shah was born on 11<sup>th</sup> May 1945. His Lordship enrolled as an advocate with the bar Council of Maharashtra and Goa in February 1969. His Lordship practiced at district court, Dhule and Civil Courts in the district in civil matters.

His Lordship joined judicial services as a Civil Judge, Junior Division, on 2<sup>nd</sup> April 1974 and was promoted as a District Judge on 7<sup>th</sup> May 1990. His Lordship functioned as a Judge, City Civil Court, Bombay and as a Judge under the Terrorists and Dangerous Activities Act and as a Principal Secretary and Remembrancer of Legal Affairs in the Law and Judiciary Department of the Government of Maharashtra on 3<sup>rd</sup> October 1997. He was appointed as an Additional Judge of the Bombay High Court on 27<sup>th</sup> September 1999 and then as a permanent Judge on 2<sup>nd</sup> December. His Lordship demitted office on 11<sup>th</sup> May 2007 on attaining superannuation. Post retirement, His Lordship worked as an Arbitrator in various matters.

His Lordship enjoyed the cool and calm and dignified persona. His Lordship commanded respect from the Bar and Bench. He had a very keen understanding of law. I greatly value his Lordship's wisdom and intellect. Whoever argued in his Lordship's Court be it the senior most member of the Bar or a raw junior, they were assured of an equal opportunity. This quality earned him the respect. His Lordship's contribution made to this Hon'ble court and to this society continuous as a legacy. He will always be remembered for virtues such as hard

work, simplicity and integrity. His Lordship's demise is a great setback for the legal fraternity.

In his death, we have lost a jurist par excellence, a lawyer with human heart and a great human being.

I, on behalf of the Bar Council of Maharashtra and Goa and on my own behalf, express heartfelt condolences to the bereaved family of Justice Suresh Shah and pray that the almighty bestow upon them the strength to cope with the loss.

Om Shanti ! Shanti !! Shanti !!!

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**ADDRESS BY DR. BIRENDRA SARAF, VICE PRESIDENT,  
BOMBAY BAR ASSOCIATION, AT THE FULL COURT  
REFERENCE IN THE MEMORY OF LATE SHRI SURESH  
KANTILAL SHAH, FORMER JUDGE OF THE BOMBAY HIGH  
COURT, ON 8<sup>th</sup> FEBRUARY, 2022 AT 10 A.M. IN ROOM  
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Hon'ble the Chief Justice,

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President, Bombay Incorporated Law Society,

Esteemed Senior Advocates and other learned members of the  
Bar,

Bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen!

I associate myself with the sentiments expressed by My Lord the  
Chief Justice and the other speakers before me.

Coming from a family of a lawyer and former Judge at Dhule, Justice S. K. Shah dedicated a lifetime to the cause of dispensation of justice. Starting as Junior Division Judge in 1974, he rose in the ranks and held various diverse positions and gained a wide range of experience in diverse fields and aspects of law. Though his practice was essentially on the civil side, with his experience on the bench, he also functioned as the Judge under TADA Act. He even gained experience of the administrative side as the Principal Secretary in the Law and Judiciary Department of the Government of Maharashtra. His experience with the Government, later helped him immensely while dealing with matters on the Writ Side regarding administrative affairs of the government.

With such experience, Justice Shah was appointed a Judge of this Court in 1999.

My Lord, the members of the Bar often associate and remember learned Judges with the Court Room in which they had extended sittings. I was a raw junior when Justice Shah was appointed as Judge of this Court. I have distinct memory of him having extended sittings in Court Room No.3. He was a man of few words. He heard lawyers patiently and was always soft spoken, courteous and gentle. As a junior I was most comfortable appearing in his Court.

As a Judge of this Court, he was a part of several division benches dealing with diverse subjects. As a Single Judge, he rendered several important judgments under the CPC, Cr. PC, Industrial Disputes Act and the Arbitration Act. He also headed the Special Court under the offences relating to Transaction in Securities Act.

After 33 years of selfless service to the Judiciary, he laid down his robes as Judge of this Court in 2007. Even after his retirement, his desire to serve was still not satiated. He thereafter took up the position of the Presiding Officer of the University Tribunal where he served for three years.

Today, when after a fulfilling life, he has made his onward journey to the next world, we pay homage and express our heartfelt gratitude to him.

On behalf of all the members of the Bombay Bar Association, I express my heartfelt condolences to his family and friends. May he finds his peace in the next world and his soul rest in peace.

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**ADDRESS BY SHRI SANJEEV P. KADAM, PRESIDENT,  
ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE  
FULL COURT REFERENCE IN THE MEMORY OF LATE SHRI  
SURESH KANTILAL SHAH, FORMER JUDGE OF THE  
BOMBAY HIGH COURT, ON 8<sup>th</sup> FEBRUARY, 2022 AT 10 A.M.  
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Esteemed Senior Advocates and other learned members of the  
Bar,

Bereaved members of the Shah family,

Members of the Registry and the staff,

Ladies and Gentlemen!

Today we have assembled to pay homage to late Justice Shri Suresh Kantilal Shah, popularly known as Justice S. K. Shah, who left for heavenly abode on 13<sup>th</sup> January 2022.

I fully agree with the sentiments expressed by the Hon'ble the Chief Justice and other esteemed speakers. I wish to add few words.

I was fortunate to appear before Justice Shah in sessions Court,

Mumbai as well as in this Hon'ble Court. Justice Shah was well versed with the Evidence Act along with other laws with vast experience of working in lower judiciary.

A Judge with tough looks with hidden smile but good at heart could be best description of Justice Shah. Having born on 11<sup>th</sup> May 1945, after completing his graduation in Commerce, he completed his law and was enrolled as an advocate in February 1969.

Justice Shah belonged to Dhule area and after enrollment, practiced in civil courts in Dhule district. He was appointed as Civil Judge, Junior Division on 2<sup>nd</sup> April 1974. After working at different places, Justice Shah was promoted as a District Judge on 7<sup>th</sup> May 1990. Justice Shah worked as a Judge in City Civil and Sessions Court, Mumbai and also functioned as a designated Judge in TADA Court dealing with the matter of Terrorists.

He was appointed as Principal Secretary, Law and Judiciary Department, Government of Maharashtra. Justice Shah was then promoted as an Additional Judge of this Hon'ble Court on 29<sup>th</sup> September 1999 and as a permanent Judge on 2<sup>nd</sup> December 2000. During such tenure, Justice Shah also worked as a Special Court Judge dealing with matters of securities.

Justice Shah retired from judicial service on 11<sup>th</sup> May 2007 completing about 33 years of judicial service. During his tenure as a Judge and even after retirement, Justice Shah was regularly seen taking evening walk at Nariman Point. He had maintained good health and physic throughout.

The legal fraternity has witnessed the legal acumen, knowledge of Justice Shah during his tenure in Criminal as well as Civil laws.

Though Justice practiced in civil laws as a lawyer, he was developed as one of the good Judge on criminal side too.

By his departure, we are at a loss of a very good Judge and a great human being. On behalf of Advocates' Association of Western India, I offer my heartfelt condolences to the family of LATE SHRIShah.

May his soul rest in peace.

Om Shanti ! Shanti !! Shanti !!!

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**ADDRESS BY SHRI KAIWAN KALYANIWALA, PRESIDENT,  
BOMBAY INCORPORATED LAW SOCIETY, AT THE FULL  
COURT REFERENCE IN THE MEMORY OF LATE SHRI  
SURESH KANTILAL SHAH, FORMER JUDGE OF THE  
BOMBAY HIGH COURT, ON 8<sup>th</sup> FEBRUARY, 2022 AT 10 A.M.  
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Bar,

Bereaved members of the Shah family,

Members of the Registry and the staff,

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 Suresh Kantilal Shah.

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

Justice Shah had a long and enviable judicial career. He started his judicial career as a Civil Judge (Junior Division) in 1974 and rose to become a Judge of this Hon'ble Court in 1999. He had an unenviable task as a Judge of the TADA Court. He served as the Principal Secretary of the Law and Judiciary Department of the Government of Maharashtra. Justice Shah's tenure as a Judge of the Special Court on Securities was much appreciated by the members of the Bar. After his retirement, Justice Shah served as an Arbitrator in several matters relating to the financial services sector.

Justice Shah will be remembered as an erudite gentleman Judge who conducted his Court with a great degree of efficiency.

Our heartfelt condolences to the members of his family.

May his soul rest in peace.

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