

REFERENCE BY THE HON'BLE SHRI. CHITTATOSH MOOKERJEE, CHIEF JUSTICE, TO THE LATE SHRI. J. R. VIMADALAL, FORMER JUDGE OF THE BOMBAY HIGH COURT, ON 2ND AUGUST 1988 AT 11 A.M.

Mr. Bobde, Advocate-General, Mr. Barday, Government Pleader, M. Cooper, President, Bombay Bar Association, Mr. Dudhat, President, Western India Advocates' Association, Mr. Damodar, President, Incorporated Law Society and other Members of the Bar :

It is my mournful duty to mention today the death of Mr. J. R. Vimadalal who had been a Judge of this Court for nearly ten years. He was born on 11th of March 1915 at Bombay. He was also educated at Bombay. He was an Honours graduate from the Bombay University and also an alumnus of Government Law College. He had first joined as an Advocate on the Appellate Side in the year 1936 and in 1939 had become Advocate on the Original Side. He had soon made his mark and because of his experience he was taken as a Judge of the City Civil Court in the year 1958. He was made the Principal Judge of City Civil Court on 21st December 1963. In April 1967 he had been elevated as a Judge of this Court. He had brought to this Court his experience at the Bar and also his experience as Judge in the City Civil Court. He had proved to be an able Judge. He was well known for his keenness and anxiety to uphold and preserve rights of individuals as against the State. He ceased to hold office in this Court not because he had retired but by a notification he was transferred in the year 1976 to Andhra High Court. Having been a Judge in Andhra High Court for less than a year, he retired in 1977. Even if he did not demit the office from this Court, he continued to be considered as one of us. The link that he has forged as a member of the Bar and later as a member of the Bench endured. He would be remembered as eminent Judge and also as a good friend. My colleagues here in the Bench still remember his sense of humour and his close friendship with all of them. Justice Vimadalal both during his office as a Judge and thereafter had been called upon to hold more than one inquiry, the last one I believe he held in the year 1986 about the collapse of industrial building at Taloja in Thane District. Incidentally, a news item about his report has come out in today's newspaper. Although he had submitted the report in the year 1987, it seems only recently the Government has accepted his report. We will keenly miss him and will remember his days in the High Court.

On all our behalf, we extend our heart-felt condolences to the bereaved family, some of whom are present here. May his soul rest in peace!

2-8-1988

Speech by Shri. A. S. Bobde, Advocate-General.

My Lord the Chief Justice and Mr. Justice Bharucha :

Mr. Justice Vimadalal is no more. Our High Court and the Bar has known him since 1936 first as an Advocate, then as a City Civil Court Judge and thereafter as a High Court Judge. We will miss him now forever.

Mr. Justice Vimadalal had a fairly good practice on the Original Civil Side and in criminal sessions. I have it on the authority of my distinguished predecessor Mr. Seervai that Mr. Vimadalal was a good, hardworking advocate and a Judge. He was a Judge whom no one could ignore. He had a complete control over the proceedings and made notes of arguments in detail. If counsel wanted to cite cases, he would ask; for the proposition for which they were sought to be cited, their relevancy and so on. Most of the time he preferred closely reasoned arguments to multiplication of case law. He always updated his notes and spent his time and energy on his judgments which are noted not only for law but also for their diction. Above all, it was known that he was a brave and fearless Judge in the matter of administration of justice. On the whole, My Lord, he has rendered yeoman's services in the field of law.

But law was not only his forte. It is well known that he has written the Parsee scripture 'Khorded Awasta' in Roman script with complete footnotes. I am told it is a work of great magnitude and devotion. Mr. Justice Vimadalal was also a trustee of Parsee Panchayat. On the whole, My Lord, his life was well spent.

My his soul rest in peace.

2-8-1988

Speech by
Shri. J. A. Barday, Government Pleader.

My Lord the Chief Justice and Justice Bharucha :

I associate myself with all that has been said today by My Lord the Chief Justice and by the learned Advocate-General.

In the midst of life we are surrounded by death. In the death of Justice Vimadalal, the Court has lost an eminent Judge. He came to this Court with a background of vast judicial experience. He was a Judge of City Civil and Sessions Court, Bombay. I had the pleasure to appear before him when he was City Civil Court Judge and High Court Judge. He was always courteous to the members of the Bar and everyone was assured of patient and full hearing in his Court. His passion for justice made him go deep into the facts of every case. He was always willing to decide complicated cases. He had strict sense of discipline. Whether it was a case of a Police Officer of what would appear to be disgraceful conduct for him or whether it was a case of husband committing the offence of bigamy or whether it was a case of fraudulent contract, not a word of moral indignation appeared in his judgment. He brushed it aside and confined himself to the strict legal issue. He had his training in the chamber of Jamshedji Kanga which very few were fortunate to get. There was clarity and lucidity in his judgment.

He was a part-time Professor of Law in Government Law College. I happened to be his student in 1950 to 1952. All students used to throng to his class to hear his lectures. He was very popular with the students. He used to take keen interest in extra-curricular activities of the College. At my time he was the Chairman of the Gymkhana Committee. Incidentally, I was elected as Hockey Secretary but there were no hockey equipments as Government Law College was defeated in hockey by ten goals by St. Xavier College and therefore the hockey department was closed. He gave me encouragement to buy new equipments for hockey and in that year the Government College became runners-up in University tournament.

Late Justice Vimadalal was appointed Commissioner in October 1986 to enquire into the collapse of central portion of Beekalane Fabrics at Taloja in Thane District in June 1986 resulting in the death of 18 workers and injury to 30 persons. The report was submitted on 17th December 1987 in which he held the Architect responsible for defective structural design. The said report was put before both the Houses last week.

In the end, I convey my heart-felt condolences to the members of his bereaved family.

May his soul rest in peace.

2-8-1988

Speech by Shri. K. S. Cooper, President, Bombay Bar Association.

My Lord the Chief Justice, My Lord, Mr. Justice Bharucha and my colleagues :

I had the privilege of knowing Jal Vimadalal ever since 1945. I know him at the Bar as an Advocate practising on the Original Side in the Sir Jamshedji Kanga's chamber which has been a nursery of great lawyers such as Mr. Seervai, Mr. Kolah, the late Mr. Murzban Mistree, Mr. Nani Palkhiwala, Mr. P. N. Bhagwati and many others. I practised before him in the City Civil Court and I practised before him in the High Court.

He was enrolled as an Advocate in 1936 and in 1940 he married Hilla, the daughter of Mr. R. P. Mulla, one of the founders of the firm of Mulla & Mulla, and a niece of the great Sir Dinsha Mulla. He practised at the Bar till 1958 and gained experience both as a civil and as a criminal lawyer. I think his forte as a lawyer was the art of cross-examination. He had a clear, lucid and analytical mind and his students' book on the Negotiable Instruments Act bears eloquent testimony to this. He was a born teacher and he made really a first class Professor of Law both at the Sydenham College of Commerce and the Government Law College. Incidentally, my wife was one of his students.

His judicial career started in 1958 when he was appointed a Judge of the City Civil and Sessions Court. He was also appointed the President of the Board of Appeals under the Bombay Town Planning Act, as such Judge. While on the Bench he made a fearless, strong and a decisive Judge. His concentration never flagged and he revelled in listening to a new, difficult or intricate question of law. His personal case diary was always available and always kept upto-date. He had never an eye on the Appeal Court, and he gave his decisions boldly and firmly. During the years of emergency he demonstrated his fearlessness and independence by giving judgments which were not palatable to the powers that be. They retaliated by transferring him to the Andhra Pradesh High Court on the 24th of June 1976. In Hyderabad he became one of the most popular and respected Judges, and the affection and plaudits of that Bar are all reflected in a memorable farewell address given to him by the Andhra Pradesh Bar on the 11th of March 1977. That is reported in the Maharashtra Law Journal of the year 1977.

The Government repeatedly appointed him as a one-man Commission. The Central Government appointed him to inquire into the safety and security conditions at the Santa Cruz Airport following the stow away incident. He was appointed as a one-man Commission to inquire into certain charges against the Chief Minister and other Ministers of Andhra Pradesh on 19-3-1977. He completed that in October 1978. He was appointed by the Governor of the Reserve Bank in August 1977 to inquire into various disputes in the Vijaya Bank. He was appointed on 17th October 1986 by the Maharashtra Government to inquire into the collapse of the factory building referred to by my friend here and his report was given only on 17th December 1987 and there is today in the press a report of that.

In his college days he was an Elphinstonian. He was one of the finest all-round sportsmen. He represented his college in the Inter-Collegiate Competitions in tennis, badminton and cricket. I think he used to open the innings for Elphinstone College. In the very first Western India Open Badminton Championship he won both the doubles and the mixed doubles titles and it is in the fitness of things that he was a founder life member of the Cricket Club of India Ltd.

He was deeply religious and a scholar of Zoroastrian religion. Many a Parsi household has his well known book of daily prayers. He was the author of a book on what a Parsi should know. His seven discourses on Zoroastrianism have also been published. He was for nearly ten years the trustee of the Parsi Panchayat as well as of the K. R. Cama Oriental Institute. He gave invaluable assistance to the Parsi Panchayat in formulating its views on the Adoption Bill as well as on the Parsi Marriage and Divorce Act.

After retirement he devoted a large amount of time and energy in the affairs of his community and no person, high or low, who sought his advice and guidance was ever denied it.

He has passed away full of honours and achievements. He bore his ill health and suffering in his later years, especially during the last months, with courage and fortitude and he lived upto the precept a true Zoroastrian should live. In his death we have lost a fine lawyer, a man of courage, a man of religion, a superb sportsman and a gentleman of many parts. As for me, I have lost a good friend.

Our hearts go out to his wife, his children and the other members of his family, who all adored him.

May his soul mingle with the eternal in everlasting peace.

2-8-1988

Speech by Shri. M. L. Dudhat, President, Western India Advocates' Association.

On behalf of the Advocates' Association of Western India, I associate myself with the sentiments and the feelings expressed by Hon'ble Chief Justice and other speakers. Personally I had the privilege to know Justice Vimadalal in the year 1957 as he was our Professor in K. C. Law College. He used to teach Contract Act and the way in which he used to teach sincerely that particular subject, his lectures were absorbing, interesting and we used to see that in any case we attended those lectures. On many occasions I appeared before Justice Vimadalal and unanimous opinion of the Bar was that he was sincere, conscientious Judge with a fearless approach. In his death, we have lost a fearless, graceful honourable citizen.

May his soul rest in peace.

2-8-1988

Speech by Shri. D. D. Damodar, President, Incorporated Law Society.

My Lord the Chief Justice and My Lord Mr. Justice Bharucha :

We have gathered here today to mourn the sad demise of Mr. Justice Vimadalal.

By the death of Mr. Justice Vimadalal fate has struck us yet another blow. Mr. Justice Vimadalal was a Judge who was keen on upholding the high traditions, decorum and dignity of our Courts and of our profession. Sometimes he was labelled as a harsh Judge when he refused adjournments of matters, but this he did as he was a strict disciplinarian and did not encourage lethargy in others.

In spite of his stern quality, he was at the same time courteous and polite to seniors as well as juniors who appeared before him and tried to do substantial justice in all matters before him.

In my personal association with him I always felt that outside the four walls of a court room he was quiet, warm and friendly and full of light-heartedness and keen sense of humour.

He was a very keen tennis and badminton player and a sportsman and used to mix very easily with one and all who came in touch with him. He was an upright, able and a sound lawyer as well as a Judge with the same salient qualities and his these qualities stood him in good stead with all those who appeared before him and also with the Government.

The very fact that he was appointed on various Commissions of Inquiry is an ample proof of the confidence he created in his abilities. By his death we have lost a good lawyer, an able Judge and a thorough gentleman.

On behalf of the Bombay Incorporated Law Society, I associate myself with the sentiments expressed by My Lord the Chief Justice, the learned Advocate-General and my other colleagues at the Bar.

We also wish to convey our most heart-felt condolences to the members of the bereaved family.

May his soul rest in peace.