

REFERENCE MADE BY THE HON'BLE SHRI K. MADHAVA REDDY, CHIEF JUSTICE TO THE LATE SHRI D.V. VYAS, EX-JUDGE, ON 5TH JULY 1985.

Mr. A.V.Savant, Advocate-General, Mr. K.S. Cooper, President, Bombay Bar Association, Mr. N.H. Gursahani, President, Western India Advocates Association, and on behalf of Government Pleader Mr.Tijoriwala, President, Incorporated Law Society and members of the Bar.

We are all gathered here to mourn the sad demise of one of our former Judges Shri Justice Devishankar Vajeshankar Vyas. He was to have celebrated his 88th Birthday on 4th August. The end came rather suddenly at the Bombay Hospital after a heart attack on Tuesday, the 2nd July 1985.

He received his early education at the Bhowsinghji High School at Porbundar. Passing the Matriculation Examination in 1915, he prosecuted further studies at the Wilson College, Bombay, and took his B. A. degree in English and Sanskrit securing a First Class. At the Wilson College he was appointed Dakshina Fellow in Sanskrit for a couple of years. At the Jesus College, Cambridge, he took Tripos in Natural Sciences. As Porbandar State Scholar he proceeded to England to complete at the Indian Civil Service Examination. Returning to Bombay in November 1923 after a brilliant success in the open competitive I.C.S.Examination, he was first appointed Assistant Collector at Ahmedabad in December 1923. In that capacity he later served at Larkhana, Sukkar, Hyderabad and Kanara. On being transferred to the Judicial Department, he was appointed Assistant Judge and served at Sholapur and at Ahmedabad. In March 1931, he was appointed District and Sessions Judge of West Khandesh and served at Kaira, Belgaum, Surat, Broach and Ahmedabad with distinction. For nearly five years he was a member of the Industrial Court. In May 1945, he was appointed Judicial Commissioner at Ajmer Merwara, and in December 1946 he became Secretary to the Government of Bombay, Legal Department. He worked as Commissioner, Central Division from 1947 to 1949. On March 6, 1950 he was elevated as a Puisne Judge of the Bombay High Court. Advocates appearing in his Court could not but be impressed by his earnestness to get at the truth without waste of time. He himself came thoroughly prepared and would not brook deficiencies in preparation, slovenliness or verbosity. Zeal for dispatch was the keynote of his character.

Shri Devishankar Vajeshankar Vyas laid down the reins of his high judicial office on August 13, 1958, on completion of the statutory age limit of sixty years.

Shri Justice Vyas was a fellow of the University of Bombay and of Baroda, and was a member of the Syndicate of the Bombay University for some time. He was an erudite scholar. Philosophy and Sanskrit Literature were his favourable fields. He took keen interest in the affairs of the Universities. He had unique mastery over Sanskrit language and could orally deliver learned orations in Sanskrit which few Indians can boast of in modern times. In recognition of his deep study of Sanskrit language and literature, he was awarded the Honorary Degree of Vidya Ratna by Shri Jagadguru Shankaracharya of Dwarkapeeth.

On retirement from the Bench of the Bombay High Court he engaged himself in private arbitrations not only in the dispute between the management and the employees of the Air India and the Times of India. In the passing away of Shri Justice Vyas, we have lost one of a generation of Judges from the I.C.S. cadre. The practice of appointing Judges from that cadre has since been given up.

My colleagues and I convey our deep sorry and condolences to the members of the bereaved family and pray the Almighty that he may give them the strength and fortitude to bear this irreparable loss. May his soul rest in peace.

Bombay,
5th July 1985.

Chief Justice.

(Two minutes' silence at the end).

MR. A. V. SAVANT
ADVOCATE GENERAL

Date : 5.7.1985

My Lord the Chief Justice and the Members of the Bar,

On behalf of the Bar I associate myself with the touching sentiments expressed by My Lord the Chief Justice on the sad demise of Shri D. V. Vyas, a former Judge of this Court.

My Lord the Chief Justice has referred to the brilliant academic career of Justice D. V. Vyas and his excellence as an I.C.S. Officer, I had not had the privilege of appearing before Justice Vyas but I know from my senior colleagues that he was one of the distinguished judges of the Court though he belonged to the Indian Civil Service. On his retirement, the then Government Pleader Shri Y.V. Chandrachud paid glowing tributes to the prolific memory with which Justice Vyas was gifted and to his abilities as a Judge. I am told by my senior colleagues that Justice Vyas dictated judgments for hours without even looking at the papers. The photographic memory and the tremendous speed with which Justice Vyas delivered the judgments, was almost unparalleled. Sitting with eminent judges like Justice Gajendragadkar, Justice Vyas could persuade the senior Judge to his point of view, once he was convinced of the same.

Justice Vyas was deeply religious. He was a Sanskrit Scholar. In the case which is reported in 59 Bom.L.R.633, the question which arose for decision was whether a gift made by a member of a Joint Hindu Family was void or was merely voidable. The answer to this question depended upon the true construction of several original Sanskrit texts. In coming to the conclusion that the gift in such circumstances was void and was not merely voidable, Justice Vyas has construed the texts of Narada and the text of Mitakshara in a manner which bears the hall-mark of true scholarship.

In his death the legal fraternity has lost a distinguished member. May I pray to the Almighty that may his soul rest in peace.

Mr. K. S. Cooper,
President,
Bombay Bar Association.

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On behalf of the Bombay Bar Association I join in associating myself with the sentiments expressed and tributes paid by my Lord and the Advocate-General to Mr. Justice Vyas. My Lord has already referred and given the details of his brilliant academic career. One can only say that it was one of the rarest academic career in its sheer variety of subjects mastered as well as in the brilliance with which these subjects were dealt with. To take the B.A. degree, with first class in languages including Sanskrit, to be a Dakshina fellow in Sanskrit in a College, to get through the I.C.S. examination, which was perhaps, at that time considered to be the most difficult of the competitive examinations which any Indian could take, to acquire a tripos at Cambridge in Natural Sciences, all this speaks volumes for his brilliant academic ability. His academic abilities were thereafter matched by the tremendous diversity of experience which he gathered in various capacities as Assistant Collector, as Collector, as Assistant Judge and District and Sessions Judge, as a member of the Law Department, as Commissioner and ultimately as a Judge of the Bombay High Court. His judicial career spanned more than thirty years and during that time, naturally, he garnered a tremendous amount of experience and a tremendous amount of knowledge; and given his brilliant mind it was not unnatural that he was one of the quickest Judges to sit on the Bench. He was equally interested not only in law and in the judiciary but also in the field of education. As a Fellow of the Universities of Bombay and Baroda and a member of the Syndicate of the Bombay University for quite some time, he took quite keen interest in the affairs of these universities and bestowed his time and knowledge on the affairs of these institutions. My Lord has also referred to his mastery over the Sanskrit language and it is indeed true to say that there are hardly a handful of Indians who today can speak in Sanskrit or deliver a speech in Sanskrit. He belonged to those very few.

I offer, on behalf of my Association, the sympathies and condolences to his bereaved family and pray that they may have the fortitude to bear this loss. May his soul rest in eternal peace.

Mr. N.H.Gursahani,
President,
Western India Advocates' Association
And
On behalf of the Government Pleader
High Court, Appellate Side.

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On behalf of the Western India Advocates' Association and the Government Pleader, High Court, Appellate Side. I associate myself with the tributes that have been paid to Mr. Justice Vyas by my Lord the Chief justice and the learned Advocate-General and the President of the Bombay bar Association. I wish to add a few words by way of tribute. According to me, Mr. Justice Vyas was a gentleman Judge- gentleman, as defined by Bernard Shaw, is one who gave more to the society than he received from it. His qualities as a Judge were known to the members of the bar who practiced before him, but there are three things which I wish to mention as his characteristics since he belonged to the service known as Indian Civil Services. In my submission, he was an Indian first and Indian last thinking of no creed, caste or community. He was civil and courteous to everyone who met him and he believed in service, because according to him, the temple of justice where lawyers and judges meet was meant to do good and look after the welfare of the God's universe. These were the characteristics of Mr. Justice Vyas which impressed the members of the Bar. My Lord, those who saw him dictating the judgments would clearly see the jet speed at which he dictated the judgments. May be, it had devastating effect on the Stenographer. But, my Lord, the mission of Mr. Justice Vyas was that the delay defeats justice and therefore he believed in the speedier disposal of the cases and his judgments bore the mark of clarity of thought scholarship and legal acumen. His knowledge of law and his control over intricate facts and ultimately his conclusions were just and proper.

My Lord, with these words I once again pay tribute to the distinguished Judge and offer my condolences to the members of his family and pray that his soul may rest in peace.

Mr. M.T. Tijoriwala,
President,
Incorporated Law Society.

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On behalf of the Incorporated Law Society, My Lord, I join all those speakers today who have offered condolences on the sad passing away of the grand old man, Mr. Justice Vyas. He was gifted with long life. He lived upto 87 years of age. During the time of his tenure in the several departments of the Government and in the country he has discharged himself very well. This was because he was a trained I.C.S. man and, therefore, he could take up any job that assigned to him and he would show his merit in every department which he presided over.

My Lord, it can be truly said about him that he was a man so various that he seemed not one but all mankind's epitome. He was a Sanskrit scholar and therefore he was honoured as such.

May I, on behalf of our Society, offer condolences to the members of his family and also pray with all of us that his soul may rest in peace.