

SPEECH

Hon'ble the Chief Justice, Justice Satish Chandra Sharma;

my esteemed sister and brother judges;

Mr.Mohit Mathur, President; Mr.Jatan Singh, Vice-President and Mr.Abhijat, Honorary Secretary, and Members of the Executive Committee of Delhi High Court Bar Association;

Mr.Murari Tiwari, Chairman, Bar Council of Delhi and Office bearers of the Bar Council of Delhi;

Mr. Anil Soni, Central Government Standing Counsel;

Mr.Sanjay Lao, Standing Counsel (Criminal Side), Government of NCT of Delhi;

Mr. Santosh Tripathi, Standing Counsel (Civil)

and other Standing Counsel of the Centre and the State Governments;

Office Bearers of other District Bar Associations;

Senior Advocates and other Members of the Bar;

Justice Brijesh Sethi; Members of my family;

Registrar General; Registrars, Officers and Staff of this Court, Law Researchers and Interns; Ladies and Gentlemen.

I am deeply moved and touched by the kind words and sentiments so eloquently expressed by Hon'ble the Chief Justice, Mr. Anil Soni, Mr. Sanjay Lao, Mr. Murari Tiwari and Mr. Mohit Mathur.

Some-one asked is Destiny that decides everything? Does one become a judge only if destined? Or is it a reflection of competence if one becomes a Judge? Are judges divine? Or Endowed with divine powers? Questions that are thrown at us or maybe arise in everyone's minds.

Yes, Destiny brought me back to Delhi and into the Judiciary. A small advertisement caught the eye of my father's eldest brother and he sent the cutting to him asking me to appear for the exam: The Delhi Judicial Services Exam. This was in 1984. Honestly, it was on account of the deep respect for my uncle that I agreed, boarded the train from Chennai and came to Delhi. Sitting in the UPSC lawns my dear classmate (of the 1982 Batch) asked – did you see the Registration Act? I panicked: What Act? What Section? Both of us scanned Section 17 and some other provisions. What Providence!! There were a couple of questions right out of those very Sections!! I sailed through, but my friend didn't!! (But there was no dent caused to that friendship though).

While back at home in Chennai, I was eagerly awaiting the appointment letter to arrive. But, what I received instead was a notice from the Supreme Court. Unbeknownst to me, the person who got the highest in

the total marks, but had fallen short in meeting the requirement in one paper, had challenged the entire process before the Supreme Court. Justice E. S. Venkataramaiah, the then Chief Justice of India, while dismissing that challenge, also directed that the original list of 27 would be the final list and all named there would have to be appointed. While some out of the list could join in July, 1985, I joined the Delhi Judicial Services, with others, on 4th November, 1986.

So yes, Destiny did play a crucial role in my becoming a Judge. But, what I did thereafter is not Destiny. That was what I did. That freedom is available to all to make the most of what Destiny serves.

Destiny chooses and her parameters for selection are unfathomable by an ordinary mind. But one alone is responsible for what one makes of that Destiny. The first may not reflect competence or the lack of it, but the latter does.

What about the Divinity? It is not everyone who is permitted to judge the actions of another. The work does require divine guidance and I am sure every judge has leant heavily on it to decide what is right. I admit to it myself. Considering the heavy work put in by competing and competent lawyers in an adversarial system, such as ours, it will come as no surprise. The Divine intent thus works through judges, but that would not make judges Divine. Judges cannot claim Divinity or Divine

authority. Always conscious of their being a mere conduit, it is natural for them to be righteous and just, yet humble.

It is usual to refer to the courts as Temples of Justice in common parlance. But, it must never be forgotten that the Deity is the Truth and the Judges and lawyers are its servitors. Courts are “Hallowed spaces”. The appendages to the Majesty of the Court, be they the uniform or the manner of addressing the judges or the lawyers, only enhance that aura.

An unintended effect of this is that young first-timers fail to find their voice, and feel defeated and dejected, but do grow into skilful advocates and to live and tell their first appearance tales to waves of juniors.

It is an opportune moment to lay bare my anguish in having had to read lengthy complaints and lengthier Written Statements, which are only repetitive in para after para! When and why the style changed is something to be researched upon. The computer has eased drafting and research, but it has also, I think, led to switching off the brain function. The only way to cure this is maybe to ask all new lawyers to write out the complaint or other pleadings. Their arm will remind them when to stop. The brain will work sharply to ensure focus and crisp pleadings. I had a unique experience of having to deal with an application under Section 151 CPC in a Criminal Miscellaneous Petition, sitting on the Criminal roster. An affidavit not solemnly sworn and affirmed, but was a cut/paste

job of the complaint under Section 138 of the Negotiable Instruments Act was another gem. In our time, in the absence of stenographers, we had to write judgments by hand. I learnt my lessons well enough that even after the computers and stenographers and PAs, I suffered a “disability” – of being unable to produce long judgments – the need to read to correct them, also discouraged me from being too boring!! I did have occasional bouts of regret in being unable to write lengthy and exhaustive judgments, as some of my colleagues are and were able to do.

Hard work has no substitute. It is my request to the Senior Advocates in the Bar that they spare some time every day to coach youngsters in drafting and preparing arguments. The youngsters, on their part, have to be open to learning. Ambition is alright. But learning from an experienced teacher would make the journey less arduous. They must spend a good part of their time in different Courts to watch Senior Advocates present cases to the court. Being part of a Senior’s Team is one kind of experience. But watching and listening with a relaxed mind would allow you to understand and develop court-room skills. Read complete judgments – words in the search engines will not be enough.

Over a period of time, I have noticed how subject matter of litigation has changed – how new legislations have given rise to new disputes – how economic activity has changed the nature of commercial disputes and how international obligations have introduced new modes

of dispute resolution of mediation and conciliation where earlier only Arbitration was the alternate available. Cyber crime and economic offences have taken over a large part of criminal matters. Intellectual property claims have increased, and this court is the first to have an exclusive IP Division.

In this scenario, one would only wish that traditional disputes, such as matrimonial disputes, are seen less as a do-or-die litigation, and with greater humanity. I had the occasion to observe in a case before me relating to payment of maintenance that it was time that there was a change in the attitude when litigation was filed by one spouse against the other. To introduce bitterness serves nobody's purpose. I hope that the legal fraternity would encourage quick resolution of matrimonial disputes by making use of the special procedure with the Family Courts, Counselling Centres and the Mediation Centres to work out a more amiable and less torturous resolution to family and matrimonial problems. I sincerely wish that this hope will be realized sooner rather than later. The role of the legal fraternity would be of immeasurable value in rescuing lives from the brink of ruination and annihilation.

An intern recently remarked that I was partial to women. It surprised me. But as I look back, certain memories flash by. Much before the passing of the Protection of Women from Domestic Violence Act, as a Civil Judge, I had accepted the plea of a married woman to remain in her matrimonial home and had restrained the in-laws and

husband from throwing her out. I recognized, as an Additional Rent Controller, the right of the landlord to claim possession from a tenant on grounds of *bona fide* requirement for the residence of a married daughter, he having only two daughters and remaining sick and requiring assistance; while dealing with release of compensation paid by the Government, upon acquisition of agricultural land, I would insist on the daughters' presence in the court and it used to be a pleasurable experience for me to see the happy faces of the ladies visiting a court for the first time in their lives. Of course, the benefit of calling them was that in a few cases, they expressed their desire to receive the money much to the chagrin of the brothers!! If all this reflects partiality, I would very gladly plead guilty to it!! Some of my orders in the High Court may also have been similarly flavoured, but no apologies for that.

While on the subject, I would also like to say that for a woman – whether on the Bench or at the Bar, life does throw some special challenges. Family life and professional life have to be balanced out. When a child is sick, for instance, a mother will face a dilemma – I remember when my son was about a year old, I had wanted to seek a transfer from Tis Hazari to a court nearer home on account of his frequent ill-health. On day after, taking him to a doctor, I held court an hour late. A young lawyer had some misunderstanding. He called upon the Bar Association to support him and they gathered in the court-room. Most painfully, a senior and well respected office bearer said “if you

can't work, sit at home". My resolve that day was: I will be here and so will they and let us see who knows to and can work! – I cancelled my appointment with the Registrar General. I remained in Tis Hazari for about 15 years thereafter. The young lawyer apologized the same day. The others never repeated such incidents, and the person who made that remark, several years later, described me as an excellent judge to a new Chief Justice of our court.

I would like to thank Justice A.P. Shah, the then Chief Justice, and the then Chief Justice of India late Justice Altamas Kabir for giving me an opportunity to make "access to justice" a reality all across the country. I was with the Legal Services for almost 7 years and the experience enriched me and improved my performance in discharge of judicial functions. It is my conviction that a stint with the Legal Services must be made mandatory for judges.

So, it is time now, as they say, to propose the Vote of Thanks. What I am, is attributable largely to my upbringing and the values inculcated in me by my late parents, late M.V. Janardana Menon and late P.T. Sarojini Menon and I shall always remain indebted to them. I thank my husband Sh. C.N. Sreekumar, Senior Advocate, for protecting me from the vicissitudes of his professional life and mine, and due to which, I have completed my journey as a judge with my head held high; my children, Anupama and Aroon, are my pride in all ways, never a complaint on their lips if work sometimes took priority; my dear sister

Sati Rajendran, and my dear brother Prakash Menon, who have always been there for me at all times, – strong shoulders to lean on. My brother-in-law Sh. K.K. Rajendran and my sister-in-law Smt.Cyrilla Menon, whose affection for and understanding of me is too deep for me to be expressed. Their children who have done us proud.

I bow in gratitude to my uncle late M.V. Sankara Menon, but for whom this journey would never have begun. I record my gratitude to my uncles and aunts for their blessings readily bestowed. I remember gratefully my Mother-in-law late Bhavani Amma, who was very proud of me and created many an exception to her rules for me! I must also acknowledge my in-laws who are all “achievers” and have supported me in my endeavours.

I was the last to come to this court as part of the celebrated 1982 Batch of the Campus Law Centre, University of Delhi. I am also the last one to go. Since Justice Jayant Nath had listed the names, I forbear from repeating them. It was after almost 30 years that I shared the Bench with my classmate Justice Rajiv Sahai Endlaw. That is, however not to ignore the other Bench partners – Justice S.Muralidhar, Justice Hima Kohli, Justice Manmohan, Justice Rajiv Shakhder and Justice Suresh Kait – and I thank them for their support and guidance.

I once again thank the Bar for without them, nothing would have been possible, be it in the trial courts, the High Court, or the Legal Services.

I wish to place my deep appreciation for my staff who (except for two PAs) joined as first-timers to their jobs and have never given me cause to complain – My Private Secretary Manjeet Kaur, Sunil-P.S., Anjali Kaushik-SPA, Chitranjan-P.A.; My Court Master-Suman Chawla, Vijay-ACM, Inder-Restorer; Attendants, Abhimanyu, Dhanraj, Bodi Lal and Raj Kumar, and PSOs, Ambli Kuttan and Jaswant and Giri Kumar, now retired.

I wish them well and quick progress in their careers. The Law-Researchers, past and present, have given me invaluable support in the court; A special thanks are due to Sh. Bache Singh, Usher, and to Sh.Madan, my Chauffeur, for their personal involvement in taking care of me.

Its time to say goodbye! From cosy familiar surroundings! But to a wonderful world outside that beckons me with a smile and an assurance that the past is Golden, but the future too is full of sunshine!

My regards to all.
