

FAREWELL REFERENCE OF HON'BLE THE
CHIEF JUSTICE, DIPAK MISRA

Hon'ble Mr. Justice Sikri, my other esteemed peers on the Bench, Mr. A.S. Chandhok, learned Additional Solicitor General and President of the Delhi High Court Bar Association, Mr. Rakesh Tikku, the Chairman of Bar Council of Delhi, Mr. Kirti Uppal, the Vice-President of the High Court Bar Association, Mr. D.K. Sharma, the Secretary of the Delhi High Court Bar Association, members of the Registry, Mr. Praveen Parekh, the President of the Supreme Court Bar Association, the Executive members of the High Court Bar Association and Mr. Waziri, the standing counsel for Govt. of National Capital Territory of Delhi, respected members of the Bar, ladies and gentlemen.

Classically speaking without being unequivocal, it is a sixty-four thousand million dollar question how does one respond and acknowledge to such excellently worded admiration and affection showered on a humble soul. Viewed from the historicity of approach, one may conceivably state that at the time of parting, it is fascinating to endow such solemn adorations the same being gentlemanly but the other historical approach is that the experienced man on being told so trembles exceedingly at heart. The choice falls between two concepts, to respond with humility, or to show wisdom with silence. I have deliberately, at the cost of wisdom, chosen to speak.

I am 16 months old in this Court. To some, it may look a short time but time is not to be calculated by months, days or hours. Time is insensible and does not take kindly to counting. It grows in virtue by exercise. It accepts the beauty of a thread of gold at every moment. Being precious, it is greedy and respects prodigality. It hates procrastination. For it, there is no past and no future but one the present in motion. That is why it has been said that the hours of work is lengthened by his hard work and passion for work. As Albert Schweitzer would like to put it “seek always to do some good somewhere”. With the cooperation of each of the members of the Bar regard being had to the serviceability of the institution and accepting humility as religion, I may state that we have not wasted time. Even when the darkness of terror visited with horror at our doorstep, we showed institutional courage and grit to carry on without any demur. We reminded ourselves of the saying of Seneca, the Greek Genius, “sometimes even to live is an act of courage”. The respected members of the Bar and my peers not only lived but also functioned with dignity, nobility and proved to the entire world that they have the moral courage as well as the instantaneous courage.

In many quarters, I have been asked, “have I acquainted myself with the Bar of Delhi and its normative approach?” My polite reply to such a question has been that acquaintance is fragile and requires much care to handle and, therefore, I did not intend to acquaint myself but to

befriend because friendship brings open communication, understanding, the severest truth, the noblest suffering and the heartiest counsel. It establishes a bond and stabilizes union of minds. I am certain we have a great and formidable institutional friendship and, hence, we have grown. I always felt at home in Court and precisely put, the learned members of the Bar, despite momentary passion, never created a slightest dent in the decorum. This is the only High Court where one can proudly say, even in excess, there is tremendous moderation. Eventually, calmness, poise, dignity, sanctity and the novelty rule. They are our trump cards, our Magna Carta.

In the sphere of administration, the kindest cooperation of my peers and the members of the Bar at large is unforgettable. There have been trying times but it never made anyone feel that he is fatigued. The tiredness did not exhaust anyone and I am sure no one felt annoyed. One can pleasantly say "all is well that ends well". May be, all of us sanguinely felt never to say, "my idea is better than yours". The learned members of the Bar and my esteemed colleagues showed the ultimate choice, "we smile, when we are rational. We solve problems with a rationale approach but not with passion".

The Delhi High Court has two beautiful wings which are possibly not present in any other High Court in the same format. The Delhi High Court Mediation Centre has its uniqueness. It is incomparable and, in a

way, inimitable. Fundamentally managed by devoted lawyers, mediators, it has invited envy because of the great achievement. Despite that, everyone has kept his head in its place and not try to soften the success. It has shown to the nation that “the truth lies in a little compass. We say no more no less”. The other one, the Arbitration Centre. It is a gratifying experience to bring the Centre within the conceptual framework of the Constitution and all concerned unhesitatingly agreed to bring in the change. The credit goes to all. The Centre is functional in a full-fledged manner. The initial apprehension has melted into insignificance.

The Registry and the staff of the High Court, especially my personal staff, have treated me with kindness and have been tolerant enough to bear the brunt of my anger at times. As a part of the family, it is forgotten.

At this juncture, it is my duty, nay, my obligation to mention that I might have unknowingly hurt someone but I decline to regret or ask for apology. It is because I am irrefragably convinced that the members of the Delhi Bar have gracious heart to pronounce “affection means never having to say sorry”.

I have already crossed 58 years. My pillar of strength and my anchor of progress has been my wife, Gopa Mishraji. I have always kept it in mind that strength is borne in the deepest silence of love and

sacrifice. She has been able to inspire me with courage, the mother of all virtues. She has stood by me like a rock with firm resolve of virtue and reason. Some say behind every successful man, there is a woman. In my case, it requires to be modified - a virtuous, strong and courageous woman can alone make a man successful - as she leads, in a way, from the front, does not stand behind. My expression of gratitude would neither be just nor fair because the word is not adequate. My daughters, Kajal and Sheetal, have sacrificed immensely looking after their father who had not been able to devote much time to them. I have stolen their time but they have never made any grievance. The apples of my eye have ceaselessly strived to keep me in pink of perfection as far as possible. I truly stand indebted.

At the end, I have two prayers to the Lord Almighty. One, the High Court of Delhi, at no point of time, should succumb to the hydraulic pressures of time and it should never say, "it is a matter of history". Secondly, a personal one, if I had to be born once more and to be a Judge, I would like to be a Judge in the High Court of Delhi because there is nothing like it on the surface of the earth.

Thank you,

Date: 05.10.2011