

FAREWELL SPEECH ON THE RETIREMENT OF
JUSTICE DEEPA SHARMA
25.05.2018

*Justice Gita Mittal,
Acting Chief Justice*

Justice Deepa Sharma

My esteemed sister and brother colleagues,

Smt. Maninder Acharya, Additional Solicitor General of India,

Sh. Kirti Uppal, President, Delhi High Court Bar Association,

Sh. J.P. Sengh, Vice- President, Delhi High Court Bar Association,

Sh. Amit Sharma, Secretary, Delhi High Court Bar Association,

Sh. Ramesh Singh, Standing Counsel (Civil), Govt. of NCT Delhi,

Sh. Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT Delhi,

Other Standing Counsels of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Presidents, Secretary & Office Bearers of all Bar Associations of Delhi,

Presidents, Secretary & Office Bearers of Bar Council of Delhi,

Senior Advocates,

Learned Members of the Bar,

Family members of Justice Deepa Sharma,

And everyone present

1. We have assembled here to bid farewell to Justice Deepa Sharma upon her retirement from an illustrious career.
2. Born on 28th May, 1956, Justice Deepa Sharma graduated in Bachelor of Science and thereafter obtained her LLB Degree from the Faculty of Law, University of Delhi in 1978
3. After a short, two-year stint, at the Bar, she cleared the prestigious Delhi Judicial Services Examination and joined as a Civil Judge in September, 1980.
4. In her noteworthy journey as an officer of the DJS and the DHJS, apart from regular criminal and civil courts, her most important posting has been as the First Principal Judge of the Family Courts in Delhi. In this capacity, she is duly credited with setting up of Family Courts across different districts of Delhi. We can therefore, safely say that Justice Deepa Sharma has been at the helm of establishing the special sensitive culture of these courts and the streamlining of the processes in these courts.
5. We also recognize Justice Sharma for her work as a trained mediator and trainer with the District Court Mediation Centres.
6. She has also presided over as Special Judge in several critical jurisdictions including NDPS, MACT, Labour Courts and ITP Act and

ably discharged all assigned tasks.

7. On 1st November, 2012 Justice Deepa Sharma was appointed as District Judge, Dwarka Courts. Justice Sharma was elevated to the Bench of the Delhi High Court on the 17th of April, 2013 as an Additional Judge. She was made a permanent judge on 18th March, 2015.

8. Justice Deepa Sharma has been recognized for being a pleasant personality, on the bench as well as off the bench. Behind this amiable personality, is a judge known for giving a patient hearing to everyone. Her persona has resulted in admiration, abounding affection and respect from the members of the Bar.

9. On the administrative side, Justice Deepa Sharma served as a Member of several committees of the Delhi High Court including amongst others the Mediation and Conciliation Committee, the Protocol Committee, the Building Maintenance Committee of the Family Courts, the Building Maintenance Committee of the Rouse Avenue Court Complex, the Environment Committee, the Monitoring Committee to oversee the functioning of All District court Mediation Centres, as well as the Juvenile Justice Committee.

10. Justice Deepa Sharma has, since the start of her judicial career, shown constant and resolute commitment to institutional development

on the administrative side of the courts.

11. On the judicial side, Justice Deepa Sharma dealt with several sensitive questions of law, which came to be the subject of well-crafted judgments by her.

12. In *Antrix Corporation v. Devas Multimedia P Ltd.*, (SB) she held that once the arbitrator has been appointed following the procedure agreed upon by the parties, the jurisdiction of the court under Section 11(6) of the enactment cannot be invoked.

13. In *Indure Pvt. Ltd v. Heidelberg Cement Ltd.*, (SB) she held that when a bank guarantee is unequivocal or unconditional, the banks are under obligation to honour it.

14. In *Anirudh Kumar Pandey v. Management of Modern Public School*, (DB) while speaking for a Division Bench of this Court, she held that it was the duty of every School to provide a safe and healthy atmosphere for the psychological, cognitive and behavioural development of the children. She further held that it was incumbent upon the Management of the School to ensure that the adults who work in the School do not pose a risk to children.

15. In *Indovax v. Merck Animal Health*, (SB) Justice Sharma propounded on the territorial jurisdiction of this court for institution of

suits and held that in cases where the goods of the defendants are not available for sale within the jurisdiction of this Court, it cannot be said that an ordinary person is likely to buy the goods of the defendants believing that they are buying the goods of the plaintiff. In such cases, it cannot be said that the cause of action for infringement and passing off had arisen within the jurisdiction of this Court.

16. In *Manju Panwar v. VPS Panwar, (DB)* it was held that the consistent behaviour of a spouse exhibiting lack of respect, understanding and faith, which intended to cause pain, discomfort or brought disrespect or disrepute to the other spouse constituted cruelty.

17. In *Sunil Kumar v. DDA, (DB)* while disposing of 41 matters vide a common judgment on behalf of a Division Bench of this court, Justice Sharma ordered vacation of government land by the unauthorized occupants.

18. In *Syndicate Bank v. SSP Tradex Private Ltd, (DB)* Justice Deepa Sharma deprecatd the practice on behalf of a public sector bank holding that they did not come to equity with clean hands and were therefore disentitled for any equitable relief. She further noted that the actions of the bank in not complying with orders of this court tantamount to abuse of process and imposed costs of rupees 2 lacs on it.

19. While Justice Sharma has authored several judgments in arbitration jurisdiction, her pronouncement in *NHAI v. BSCPL* is noteworthy inasmuch as it notes the settled tenets on which an award can be challenged under Section 34 of the enactment.

20. The judgments authored by Justice Deepa Sharma in diverse jurisdictions, show her clarity on legal principles and the manner with which she discharged her constitutional duty while remaining conscious of the social realities.

21. Justice Sharma, with whom I also had occasion to share the bench, has always exhibited immense fairness, respect and dignity to the people who come before it.

22. Justice Deepa Sharma has rendered yeomans service to the institution and ably discharged her constitutional obligations. She will be remembered for her positive support in all court related activities.

23. As she prepares to depart from this court, I have to say that we will remember Justice Deepa Sharma with fondness.

24. We wish Justice Deepa Sharma good health and deep contentment with her accomplishments. As she parts from our Bench, on behalf of my colleagues and myself, I convey our best wishes to Justice Deepa Sharma.

Thank you.
