

FAREWELL SPEECH ON THE RETIREMENT OF HON'BLE MR.JUSTICE
MANMOHAN SINGH DELIVERED ON 21.09.2016

G. ROHINI
CHIEF JUSTICE

Justice Manmohan Singh,

My esteemed brother and sister colleagues,

Shri Sanjay Jain, Additional Solicitor General,

Shri Jatan Singh, Vice-President, Delhi High Court Bar Association,

Shri Abhijat, Secretary, Delhi High Court Bar Association,

Shri Raman Duggal, Standing Counsel (Civil), Govt. of NCT of Delhi

Shri Rahul Mehra, Standing Counsel (Crl.), Govt. of NCT of Delhi

Other Standing Counsel of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

Senior Advocates,

Members of the Bar,

Family members of Justice Manmohan Singh, and

Ladies and gentlemen.

One of the very distinguished judges of this Court Justice Manmohan Singh is demitting office today after extraordinary service to this Court for more than eight years. In less than a month, this is the second time we are assembling here to bid farewell to another beloved judge of this Court.

Born on 22nd September, 1954, Justice Manmohan Singh enrolled as an advocate with Bar Council of Delhi on 12th August, 1980. He began his career by joining the chamber of Shri Anoop Singh, Advocate and actively practised on the original side of the Delhi High Court for about nine years. From 1990 onwards, Justice Manmohan Singh started practicing independently and dealt with cases relating to all branches of law in the Delhi High Court as well as Supreme Court.

Due to his expertise in the field of IPR and rich experience of dealing with cases arising under Trade Marks Act and Copyright Act, Justice Manmohan Singh, even before his elevation, had participated in various National and International seminars and presented a number of papers on different subjects. Hard work, sound knowledge of law and legal acumen possessed by Justice Manmohan Singh enabled him to develop a large practice.

Justice Manmohan Singh was appointed as an Additional Judge of High Court of Delhi on 11th April, 2008 and as permanent Judge on 6th July, 2011.

As a judge, deciding a case is never easy. Law being extremely subjective, a judge has to take all the social realities into account and decide with compassion. At the same time he cannot let go of the provisions of the law. This fine line is something which cannot be forgotten and Justice Manmohan Singh has time and again proved his understanding of this principle and proven himself capable of delivering a judgment in conformity with legal principles and at the same time without compromising with the compassionate facet of his personality.

Though Justice Manmohan Singh had mainly practiced on original side as a lawyer, after his appointment as an Additional Judge, he distinguished himself as an excellent Judge in all branches of law and decided number of cases involving complicated questions of facts and law.

During the tenure of about eight and a half years, Justice Manmohan Singh had disposed of 10,587 main cases and 21,387 miscellaneous cases which included 2135 judgments.

It is a matter of pride that many of his judgments on IPR are discussed in domestic and international fora and were also reported in international journals. One such judgment is *Samsung Electronics Company Ltd. v. K. Wadhwa* reported in the year 2012 in Fleet Street Reports, in which Justice Manmohan Singh had considered in detail the principles of registered trademark and passing off.

In the course of his judicial career so far, Justice Manmohan Singh has delivered numerous landmark judgments under the Arbitration and Conciliation Act, Patents Act and the Copyright Act.

He has equally delivered various well considered judgments on the subjects other than IPR and some of them may be referred on this occasion.

In *Assignia v. Rail Vikas Nigam Limited*, (2016) 230 DLT 235, the issue involved was whether the employee of any of the parties can be appointed as an Arbitrator to adjudicate the disputes between the parties which would give rise to justifiable doubt as to his independence and impartiality. It was held that the Court is duty bound to secure the appointment of an independent and impartial arbitrator as per Section 12 of the Arbitration & Conciliation (Amendment) Act, 2015. Remarkably, the said decision was confirmed by the Supreme Court of India.

In the case of *Institute for Inner Studies v. Charlotte Anderson*, (2014) 57 PTC 228, the issues before the Court were as to whether Asanas of pranic healing be protected as dramatic work under the provisions of Copyright Act and whether the plaintiff, a Korean Company, who claims to be the owner of the word 'Pranic Healing', has monopoly over the said word. It was held that the expression 'Pranic Healing' is non-distinctive and is the name of the art or technique of doing exercise which was a facet of Yoga.

It was also held that it is a generic name and cannot be protected being known as the name of concept of Yoga at present and the Plaintiff cannot claim the ownership of the expression 'Pranic Healing'.

In *People for Animals v. Mohd. Mohazzim & Another*, 2015 Indlaw Delhi 2241, the issue before the Court was whether confining the birds to small cages and selling in the commercial market amounts to cruelty. It was held by Justice Manmohan Singh that even animals have rights including the right to live with dignity and cannot be subjected to cruelty.

In *Harish Relan v. Kaushal Kumari Relan & Ors.*, (2015) 216 DLT 299, the issue involved was that when the mother is an absolute owner of immovable property, can she be forced to stay in a rented premises by her sons on flimsy grounds. In the judgment, reliance was placed on the verses of Mahabharata and Ramayana wherein it has been held that the mother is worshipped as the Goddess Lakshmi of the house. It was held that the mother in the said case, who is 93 year old, is the owner of the property and she has the right to stay and live in her own house. The said judgment was also upheld by the Supreme Court.

In *Sanjay Gandhi Animal Care Centre v. Govt. of NCT of Delhi*, [Crl.M.C. 89/2015 decided on 14.01.2015], the issue was whether slaughtering of infected animals without considering the guidelines issued by the Govt. of NCT of Delhi amounts to cruelty. Answering the issue in the affirmative, it was held that slaughtering of infected animals amounts to cruelty both towards the animals and humans.

It is clear from the judgments of Justice Manmohan Singh that he is not only cognizant of the social realities but also is extremely gifted in the application of law, both in letter and in spirit.

Having religiously maintained and scrupulously sustained the dignity, sincerity and nobility of the legal profession while he was in the Bar, Justice Manmohan Singh continued the same on the Bench with amazing work ethic, dedication and commitment to the cause of justice.

He has also been the Chairman of the Public Interest Litigation Committee, Member of the Committee for Appointment of Officials of High Court and Member of the Building Maintenance & Construction Committee of Rohini Court Complex, and has immensely contributed for the well being of the institution.

I thank Justice Manmohan Singh for his distinguished service as a Judge of this court. This Court will always remember the honesty, sincerity and efficiency of Justice Manmohan Singh in discharging his duties and his invaluable contribution to the system of administration of justice.

On my behalf and on behalf of my brother and sister Judges, I take this opportunity to wish Justice Manmohan Singh a long, healthy, happy and fulfilling life ahead and the best of luck in all his future endeavours.

Thank you.