

**FAREWELL REFERENCE ADDRESS BY HON'BLE MR. JUSTICE
MANMOHAN, CHIEF JUSTICE, HIGH COURT OF DELHI ON THE
ELEVATION OF JUSTICE RAJIV SHAKDHER AS CHIEF JUSTICE,
HIGH COURT OF HIMACHAL PRADESH AND JUSTICE SURESH KAIT
AS CHIEF JUSTICE, HIGH COURT OF MADHYA PRADESH**

Brother Justice Rajiv Shakdher,

Brother Justice Suresh Kait,

Gracious family members of Justice Shakdher and Justice Kait,

My esteemed colleagues at the High Court,

Mr. Chetan Sharma, Additional Solicitor General of India,

Mr. Rajesh Mishra, Honorary Secretary, Bar Council of Delhi,

Mr. Mohit Mathur, President, Delhi High Court Bar Association,

Mr. Jatan Singh, Vice-President, Delhi High Court Bar Association,

Mr. Sandeep Sharma, Secretary, Delhi High Court Bar Association,

Mr. Sanjay Lao, Standing Counsel (Criminal), Govt. of NCT of Delhi,

Mr. Santosh Tripathi, Standing Counsel (Civil), Govt. of NCT of Delhi,

Standing Counsel of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office Bearers of Bar Council of Delhi and other District Bar Associations,
Senior Advocates,

Members of the Bar,

Members of Print and Electronic Media,

Ladies and Gentlemen,

A very Good Afternoon to all of you.

We have assembled here to bid farewell to two esteemed Judges of this Court - Justice Rajiv Shakdher, who has been elevated as the Chief Justice of

the High Court of Himachal Pradesh and Justice Suresh Kait, who has been elevated as the Chief Justice of the High Court of Madhya Pradesh. It is a special moment as we are bidding farewell to two of the senior-most Judges of this Court who are proceeding to write a new chapter in their lives.

Justice Shakhder was born on 19th October, 1962. He completed his school education from St. Columba's School in Delhi and enrolled in B.Com. (Honours) course for graduation at University of Delhi. After graduating in 1984, Justice Shakhder decided to pursue LL.B. and got admission in the Faculty of Law, University of Delhi. He completed his LLB in 1987 and enrolled as an advocate in the Bar Council of Delhi on 19th November, 1987. A man of sharp intellect that he has always been, Justice Shakhder also completed Chartered Accountancy in the same year from the Institute of Chartered Accountants of India. On 29th January, 1988, he was inducted as an Associate Member in the Institute of Chartered Accountants of India. Despite professional engagements, Justice Shakhder never compromised in his academic pursuits. He was selected as a Chevening Scholar and in 1994, he went on to pursue the Advanced Course in Law at the Institute of Advanced Legal Studies, University of London.

Justice Shakti Chandra Prasad Jaiswal had a diverse practice and used to appear before all prominent forums of the country. Apart from the Hon'ble Supreme Court and various High Courts of the country, he also had a significant practice before the Tribunals dealing with insolvency, reconstruction, debt recovery and company law. Although, he has left an imprint on all the areas of law handled by him, either as a lawyer or as a Judge, he always had a special inclination for commercial and constitutional law. On 8th December, 2005, Justice Shakti Chandra Prasad Jaiswal was designated as a Senior Advocate, followed by his elevation on the bench of this Court on 11th April, 2008.

As a Judge of this Court, Justice Shakti Chandra Prasad Jaiswal is immensely popular with the members of the bar and the common public. This is not only attributable to his judicial acumen, but also because he is known to give patient hearings to counsel appearing before him. Ladies and gentlemen, this address would be incomplete if Justice Shakti Chandra Prasad Jaiswal's contributions on the administrative side are left unacknowledged. As a Chairman of the Information Technology Committee, Justice Shakti Chandra Prasad Jaiswal has been instrumental in introduction of e-filing systems across all the court complexes in Delhi, e-SewaKendras etc. are some of the key initiatives which have taken shape under Justice Shakti Chandra Prasad Jaiswal's leadership. He strongly believes in securing access to justice by use of

technology and this Court has benefitted greatly from his vision. I am confident that this Court shall continue to benefit from the initiatives taken by him for years to come.

We are happy that Justice Shakhder is going to fill the office of the Chief Justice of Himachal Pradesh High Court, and are confident that he would serve that institution to the best of his abilities.

Justice Kait was born on 24th May, 1963 in District Kaithal in the State of Haryana. After his school education, Justice Kait enrolled in the humanities course for graduation at Kurukshetra University. During graduation, he displayed active interest towards extra-curricular activities and was selected as unit leader in National Service Scheme. He was also awarded the University Merit Certificate for his services in the scheme. After graduation, Justice Kait enrolled for post-graduation in Political Science from Kurukshetra University. Alongside academics, Justice Kait was also active in the activities of the Students' Union of the University and was also elected as the Joint Secretary of the Union. Thereafter, he came to Delhi for pursuing LLB from the Campus Law Centre, University of Delhi. On completion of the same, he enrolled as an advocate in the Bar Council of Delhi in 1989.

Justice Kait was appointed as the Senior Counsel for Union Public Service Commission and Indian Railways. In 2004, he was also appointed as the Standing Counsel for the Central Government and continued to work in that capacity till he was elevated on the bench of this Court.

As a practitioner, Justice Kait got the unique opportunity to represent private clients as well as the government which contributed significantly to his exposure as a lawyer. On 5th September, 2008, Justice Kait was appointed as an Additional Judge of this Court and on 12th April, 2013, he became a permanent Judge.

During his tenure as a Judge of the High Court, Justice Kait engaged with various issues of constitutional and public importance. In *Nabi Alam v. State of NCT of Delhi*, Justice Kait interpreted Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 as regards the right of the accused to get a search conducted in the presence of the Magistrate, and in doing so, he adopted a fine balance between the constitutional safeguards of the accused and the right of the investigating agency to investigate fairly. In a similar manner, Justice Kait has enriched the jurisprudence in bail matters and other areas concerning the constitutional protections by his pronouncements. In a recent pronouncement concerning the reduction of

sentence of a convict, a bench headed by Justice Kait adopted a reformatory approach and balanced the principles of sentencing by upholding the concept of reformation in criminal law. While hearing the contempt of court cases as well, Justice Kait has effectively conveyed the message that the administration of justice is not to be interfered with. Justice Kait is a decisive and relief-oriented Judge with a straightforward approach and his performance has always been admired by the bar as well as the bench.

Justice Kait is amongst the senior-most Judges of this Court and in addition to his services on the judicial side, he has also contributed immensely on the administrative side. Justice Kait has been a part of many significant deliberations of this Court on the administrative side and his inputs have always been valuable. Justice Kait has been heading the Committee for the Welfare of Judicial Officers of Delhi for a significant period of time and has proactively addressed the concerns of the judicial officers.

Brother, we are happy that you have been chosen for the higher responsibility and are confident that your presence in Madhya Pradesh would inure to the benefit of the people of Madhya Pradesh.

I express my best wishes to Justice Shakhder and Justice Kait, and pray for their fulfilling tenure in Himachal Pradesh and Madhya Pradesh. I also extend my best wishes to the esteemed family members of Justice Shakhder and Justice Kait.

On behalf of this Court, I wish you both a glorious time ahead, professionally and personally. We pray for your good health for all times to come.

Thank you and Jai Hind.