

My Lords, Hon'ble Acting Chief Justice of High Court of Delhi Mr. Justice Vijender Jain and his Hon'ble companion Judges, Mr. Milon Kr. Banerji, Attorney General of India, Shri A.S. Chandiok, President of Delhi High Court Bar Association, Mr. Ramesh Gupta, Chairman Bar Council of Delhi, Central Government Standing Counsels, Ms. Mukta Gupta, Standing Counsel for Delhi Administration and Mr. J.R. Midha Addl. Standing Counsel for Delhi Administration and counsels for various other statutory authorities, member of the Bar and my esteemed colleagues, Ladies and Gentleman, Mrs. Chawla and his Lordships and other relations.

Late Hon'ble Mr. Justice Tajinder Pal Singh Chawla was born on 16th August 1924. He was educated in Lahore and did his law from St. Cathedral College and was called to the bar in 1948. His Lordship was enrolled as an Advocate in Punjab High Court on 18.04.1949 and was a part time lecturer at Delhi University from 1949-1963.

Hon'ble Mr. Justice T.P.S. Chawla was a man of unparalleled uprightness and integrity with a quest for justice. His independence and uprightness was tested both as an advocate and as well as a judge; but his Lordship never wavered and bothered about consequences and always remained upright and fair.

He was an embodiment of truth, devotion to the profession, humble, gentle, full of reason and logic. Thoroughly read yet unassuming and very courteous. His Lordships was a true symbol of a true Advocate and a real Judge and had always discharged his duties without any fear or favour. I am reminded of an incident, which occurred at Tis Hazari Courts when during the course of hearing of a matter some unpleasant words were exchanged between him and the learned Judge. On inspection of the court order sheet it was discovered that the Ld. Judge had recorded that Mr. Chawla had tendered an apology to the court for what he had stated. As this was totally incorrect and no such apology was tendered by him, he took up matter with the District Judge, filed a written complaint and huge controversy arose and all kinds of pulls and pressures and even warnings were sent to him including about falling on the bad side of the judiciary and that judge in particular. Mr. Justice Chawla remained undeterred. Such was his resolve for truth and quest for justice that the Ld. Judge had to tender an unconditional apology to him in the presence of the President and Secretary of the bar, as well as ten senior and junior members of the Bar who had specially assembled for this purpose. Thereafter the offending record was expunged. It shows and demonstrates how fearless and independent counsel he was in the finest traditions of the Bar.

Everyone knows about Russell on arbitration and after reading the judgement in the matter of Union of India Vs Bharat Heavy Engineering Corporation. It had been observed by the Author that "If I may say so it was a splendid judgement full of the very stuff that stimulates and provokes and eventually enables later jurists to hammer out an iron hard and polished exposition of the law."

Thereafter, in the 19th Edition of Russell on the law of Arbitration, Justice Chawla's exposition of the law in the said case was acknowledged by the Author as under:

"First and foremost thanks are due to the Hon. Mr. Justice T.P.S. Chawla, Judge of the High Court of Delhi, who very kindly sent the report of his learned and exhaustive judgement (being the judgement of the Court in the case of Union of India V Bharat Engineering Corporation (Indian Law Reports, Delhi Series 1977, Vol.II Part I, p.57 which must henceforth form the basis for all discussions of the question whether arbitrations must be mutual. He also very kindly corresponded with, and was infinitely patient with, the questionings of the editor. If in the appropriate place Russell has ventured to disagree with some of the reasoning in that case, interest parties are warned that the Hon'ble Mr. Justice Chawla is much more likely to be right than Russell."

His Lordships was very humble and noble. His Lordship greeted everyone with smile. His humility is reflected from the speech he gave to the Bar at the time of his elevation to the Bench. Portion of which reads as under:

“It behoves, me, on an occasion such as this, to acknowledge my debt and pay my homage to this Bar at which I was nurtured and nourished. This Bar has for long been, and I hope will always be, the training ground for judges.....Even though I walk with judges, I hope that I shall not lose the common touch....Even while I judge the causes that you bring before me, you will be judging me. Yours will be the last word....I trust that you will bear with me, remembering that I was one of you, that I am sprung from you, and in the deeper recesses of the mind, I think I always will be one of you.....I am resolved to do my best. It may be that my best is not good enough, but that you alone shall judge. When my time as a judge is up, if I can secure from you, from my judicial career, the epitaph, “he did his best”, I shall rest well content”

I am sad that we have lost our Judge. I am happy that he lived till his last upto his words. This then was man, this was a Barrister, this then, was a judge. In time to come will we ever see the like again. In fact as time passes, people may well wonder if there ever was such a man. To them, I will point out this record and say, “it is all too true”.

His death has left us with a void that would be hard to fill and I can safely say that in his death the Bench, the Bar and for that matter humanity has suffered an irreparable loss. He will always be remembered.

I, on my behalf and on behalf of the Govt. of India, my colleagues Central Govt. Standing Counsel request the Hon'ble Chief Justice of the High Court of Delhi to convey our heart felt condolences to the bereaved family and pray to the Lord Almighty to bestow courage on his wife to bear this loss and may his departed soul rest in peace always.



(P.P. MALHOTRA)

ADDL. SOLICITOR GENERAL OF INDIA

19th October, 2006.