

**REFERENCE ADDRESSED BY HON'BLE MR. JUSTICE  
GOVIND MATHUR ON 07.01.2016 ON ACCOUNT OF SAD  
DEMISE OF HON'BLE MR. JUSTICE S.H.KAPADIA, FORMER  
CHIEF JUSTICE OF INDIA.**

My esteemed colleagues,

Dr. Shri Pushpendra Singh Bhati,  
Additional Advocate General,

Shri Jagmal Singh Choudhary,  
Member, Special Committee, Bar Council of Rajasthan,

Shri Ranjeet Joshi,  
President, Rajasthan High Court Advocates' Association,

Shri Kuldeep Mathur,  
President, Rajasthan High Court Lawyers' Association,

Senior Advocates,

Other Members of the Bar,

Learned Judicial Officers,

Officers of the Registry,

Ladies and Gentlemen.

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Today we have assembled to pay tribute to Late Justice Sarosh Homi Kapadia, Former Chief Justice of Supreme Court of India, who breathed last on January 4, 2016 at Mumbai.

Justice Kapadia was born on September 29, 1947 in a poor Parsi family. The odds were stacked against him at birth, because unlike the illustrious Parsis of Bombay, his father had grown up in a Surat orphanage. His mother was a home maker and the family could barely make ends to meet their minimum needs, but that did not weaken their robust values.

Justice Kapadia begun his career as a Grade IV

employee with Byramjee Jeejeebhoy, where his main job was to deliver case briefs to lawyers. While working, Justice Kapadia studied law and enrolled at the Bar.

After his enrolment as advocate on 10.9.1974, Justice Kapadia struggled for survival and he was appearing before every court from small causes court to the Bombay High Court. He had keen grip of issues relating to land revenue, thus, initially took up such cases. He also appeared in several cases of workmen and other marginalised people. He was known as a lawyer not taking much care of money but a representative of marginal people genuinely interested to resolve their hardships. His intelligence and ability to have positive output from labour, was soon noticed and he became a lawyer of choice.

He also remained standing counsel for several public undertakings, private, nationalised and foreign banks and also for the Department of Income Tax. His field of working came to be diverted mainly to tax after few years of initial practice.

He was elevated as a Judge of Bombay High Court on 8.10.1991. After his elevation as a Judge, his ability was further recognised by assigning the task to try economic offences under Securities Transaction Act.

Justice Kapadia was appointed as the Chief Justice of Uttaranchal High Court, now known as Uttarakhand High Court on 5.8.2003. In a small tenure of four months as Chief Justice, His Lordship tried his level best to bring the justice at door steps

to the poor people of Hill region. Justice Kapadia was popular at Nainital as a Judge commoner.

He was elevated as a Judge of the Supreme Court of India on December 18, 2003 and was appointed as Chief Justice of India on May 12, 2010. As a Judge of the Apex Court he pronounced several path breaking verdicts including the cases upholding the Right to Education Act, evolving doctrine of postponement for media reporting, Vodafone Tax case, interlinking of rivers, CBI probe in Karnataka Mining Scam and quashing appointment of Shri P.J.Thomas as Central Vigilance Commissioner. He also gave a very strong descending verdict in the case of Shri Lalu Prasad Yadav's disproportionate income case, in which he held that Bihar Government's plea against acquittal of Shri Yadav was maintainable.

Justice Kapadia visited Rajasthan High Court, Principal Seat at Jodhpur immediately after his elevation as Chief Justice of India. He was quite friendly with Judges of this Court and was keen to understand specific problems of the people of Rajasthan and Rajasthan Judiciary. He was quite impressed with the old building of Rajasthan High Court though he expressed his desire to have a new building of High Court matching with current needs.

Justice Kapadia was an icon of integrity and compassion. His these qualities always reflected in his day to day outlooks and judgments. He was in favour of the strict code of conduct even for Supreme Court Judges. In his personal life he

was not accepting official invitations, if they fall on a working day. During the first summer holidays after he became Chief Justice, he was coming to the courts everyday to streamline Supreme Court registry. Due to great efforts made by Justice Kapadia the office working of the Supreme Court of India acquired ease.

Justice Kapadia, a hard administrator, was having full faith in our judicial system and also in quality of Indian judiciary. While delivering law day lecture on 26.11.2012 he mentioned and I quote, *"I am a optimist. I do not share the impression that judicial system has collapsed or is fast collapsing. He strongly believed and maintained that with all draw backs and limitations, with shortage of resources and capacity, we still have time tested system."*

This faith remained unshaken and Justice Kapadia reiterated that on several other occasions too.

Justice Kapadia maintained the highest standards in his professional as well as personal life. He was very articulate, simple, modest and straight forward person. He owned a rare combination of unquestionable integrity, exceptional character and high moral values.

Justice Krishna Iyer in an interview described him in most laudable words, the same I quote, *"while I have seen during last 97 years of my life among the good judges with great credential, there was hardly anyone to compare with Kapadia,*

*the like of which no eye had seen, no heart conceived and no human tongue can adequately tell”.*

In the death of Justice Kapadia Indian judiciary has lost a great teacher, preacher and torch bearer.

All that is on earth is perishable. We all are mortals. Everyone has to suffer death and its destined moment. In the transit existence the only baggage provided by nature is wisdom. The success of a traveller of a life depends upon able use of wisdom. Justice Kapadia used his wisdom exceptionally well and only because of that he acquired unblemished eminence.

While noticing perpetual damage to judicial fraternity, my colleagues and I share the feelings of all those who are here in expressing heartfelt condolences to the members of the bereaved family.

May the Almighty give them strength to bear the great loss and overcome the grief. May the departed soul rest in eternal peace.

As a mark of respect for departed soul, we shall stand up and observe silence for two minutes.

There shall be no court sitting thereafter.

**( GOVIND MATHUR )**