

REFERENCE SPEECH (JUSTICE SANGEET LODHA)**06.10.2021**

Hon'ble the Chief Justice Mr. Indrajit Mahanty;

My esteemed brother and sister Judges;

Hon'ble Mr. Justice Govind Mathur;

Mr. M. S. Singhvi, Learned Advocate General;

Mr. Rajesh Panwar, Chairman, Bar Council of Rajasthan;

Mr. Nathu Singh, President, Rajasthan High Court Advocates Association;

Mr. Sunil Joshi, President, Rajasthan High Court Lawyers' Association;

Mr. Bhuvnesh Sharma, President, Rajasthan High Court Advocates Association, Jaipur;

Mr. Anil Choudhary, President, Bar Association, Jaipur;

Other office bearers of Bar the Council of Rajasthan and the Bar Associations;

Learned Senior Advocates and other Learned Advocates;

The Registrar General;

Officers of the Registry;

District and Sessions Judges and other Judicial Officers;

Ladies and Gentlemen,

1. At the outset, I express my profound gratitude for the kind words and praise bestowed upon me by Hon'ble the Chief Justice, Learned Advocate General and other speakers. I am humbled and overwhelmed by the same.

2. For the past few days, I have been deeply reminiscent of my life as a student, a lawyer and as a Judge. Though born in an illustrious family in the small town of Sheoganj in

District Sirohi, I had a very grounded upbringing. My father, Late Sh. Prakash Raj Lodha, who was himself a voracious reader, instilled in me the joy of reading and taught me the importance of thinking critically. My mother, Late Smt. Suraj Kanwar Lodha, who was a gentle and caring soul, through her disciplined living and actions, taught me the importance of humility, hard work and perseverance. The company, love and affection of my 5 siblings taught me compassion and gave me a sense of service before self.

3. I studied at a Government School at Sheoganj till matriculation, and thereafter at Government School, Sirohi through Higher Secondary. I completed my Bachelor's in Science from Government College, Sirohi. Up until my graduation, I had no concrete plans for my future, and no inkling or leaning towards any particular profession or vocation.

4. Luckily, during the summer vacations post my graduation, my aunt Dr. Pawan Surana and uncle Late Sh. S. R. Surana, Sr. Advocate, in a candid discussion regarding my future plans, suggested that I shift to Jaipur to pursue law as a degree while learning the ropes of the profession as a trainee at his chamber. It is through this chance conversation that I stumbled upon the profession of law, and the rest of my life thereafter, has been a work in progress in this noble profession.

5. I credit my initial foundation in the study and practice of law to the time I spent at his chamber learning everything from filing, practice and procedure, client handling, dispute resolution, conducting trials and cases before the courts etc. The first hand experience on offer for a youngster willing to put in the hours and learn through exposure to the work in courts at the time was deeply enriching, to say the least.

6. While I started my practice as a chamber junior in Jaipur, during my early years in the profession, my father took seriously ill and was admitted to the hospital in critical condition. By a stroke of destiny, he succumbed to his illness at the relatively young age of 56 years, leaving the family without the presence of a father figure. In order to cater to the needs of the family and move closer to them, my younger brother, Sanyam Lodha, who was studying at the time and I, having just commenced my journey in the profession, moved base to Jodhpur in June of 1984.

7. My uncle, Late Sh. I. J. Lodha, was already practicing at Jodhpur at the time. At his suggestion, I joined the illustrious chambers of Late Sh. Marudhar Mridul, Sr. Advocate and began my association with this august Institution, of which I have been a part, ever since.

8. In Mridul Saab, as we fondly called him, I was fortunate to have a mentor, who was a strict disciplinarian and an institution in himself. Mridul Saab wore many hats, apart from being an exceptional lawyer with razor sharp wits, he was a philosopher, original thinker, poet and more. Under his tutelage, I learnt the hitherto unknown intricacies of practicing the law on the writ and civil side. One of the biggest assets available at his chamber was his immaculate library, with books cutting across legal and non-legal subjects, which contributed immensely to the learning at his chamber. He was benevolent in sharing his library with his chamber associates and encouraged them to read extensively. He had but one rule, as a chamber associate, we were expected to not be seen in the corridors during court hours. He insisted that every minute of the court hours must be spent inside a court room conducting a case or observing and improving the knowledge of law as well as honing court craft by watching others conduct their cases. I stayed in his chamber for 2 years, and during that time I learnt the importance of marshalling facts, structuring a coherent argument and being meticulous with research.

9. Besides learning from my chamber senior, I was fortunate to witness and learn from the genius of the stalwarts at the Bar such as Late Sh. H. M. Parikh, Late Sh. Mahavir Chand Bhandari, Late Sh. M. M. Singhvi, Sh. Lekh Raj Mehta, Late Sh. Bhimraj Purohit, Late Sh. D. S. Shishodia to name a few. They guided and corrected us frequently and helped shape our outlook as lawyers. As an instance, I am reminded of the time of entry into the court premises, where Late Sh. D. S. Shishodia would insist that we must attend the court on all days, irrespective of whether we held a brief on a given day or not. He would say: *“Sawari mile ya na mile, Taanga Station jaayega”*. The same became the motto of our lives as legal professionals.

10. I was fortunate to be in the company of Late Sh. Mahesh Bora, Sh. P. P. Chaudhary, Sh. Kamal Joshi, Justice P. K. Lohra, Sh. Niranjana Gaur, Sh. V. L. Thanvi, Sh. C. S. Bissa and my closest friend ever since I started practice at Jodhpur, Justice Govind Mathur. Their presence added new dimensions to everyday life as a lawyer.

11. In the years we grew as lawyers, we were immensely benefitted by the generosity of exceptional judges of this Court, who took great care in nurturing young members of the Bar and encouraging them in a manner that remains unparalleled. Late Justice M. C. Jain, Late Ms. Justice Kanta Bhatnagar, Late Justice K. S. Lodha, Justice Jasraj Chopra, Late Justice Ranvir Sahai Verma, Justice A. K. Mathur, Late Justice Rajesh Balia, Justice N. N. Mathur are a few names that instantly come to mind.

12. I argued my first private brief before Justice A. K. Mathur, who had the unflinching rule that the first brief of any lawyer arguing before him would not be summarily dismissed by him, as a token of encouragement. The Benches were kind to and appreciative of well-prepared juniors at the Bar, but would not hesitate to correct them if they were found wavering from their duties as lawyers.

13. Through these legal luminaries and under their able guidance, both at the Bar and the Bench, we learnt to navigate our way through this ocean. Of the many learnings that we received over the years, the one that stuck the most, was that your reputation as a Lawyer is as good as your last appearance in Court, and while you should wholeheartedly advocate for your client, you must never make the mistake of misleading a court on facts or law. The phrase “*Officers of the Court*” carried and still carries great significance and places upon all of us, as individuals, the heavy onus to objectively act in aid and assistance of the justice delivery system, while upholding the rule of law.

14. My journey in the profession did not commence with any exceptional aspirations or dreams, but with the simple thought of being able to help people in need, while earning a decent livelihood to support my family. But such is the beauty of this profession that block by block, case by case, it changed my life for the better. It gave me the satisfaction of working with honesty, helping those in need with the full might of the law and living life with dignity on my own terms. My journey as a lawyer was exciting and challenging, yet extremely fulfilling. A good day of arguing a matter before the Courts, irrespective of the result, always gave me a sense of satisfaction which is seldom matched.

15. I have been often asked by younger members of the Bar as to what then motivated me to leave behind the life of a practicing lawyer to take the Bench. I have asked myself that question every now and then. The answer that has reverberated with me the most is that on this side of the dais your ability to decisively ensure deliverance of justice increases manifold. That, I found, was always my true calling.

16. While the satisfaction of arguing well before the Courts was immense, it is no gainsaying that the satisfaction of being able to secure justice for a client was manifold

in comparison. I strongly believed that as a Judge I shall be able to contribute to the cause of justice, one case at a time, many times over. Therefore, when my consent was sought for being elevated as a Judge of this Institution which had given me success and standing that I did not dream of, my most natural and immediate reaction was to accept the said honour being bestowed upon me.

17. I was keen and eager to *duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of this office without fear or favour, affection or ill-will and to uphold the Constitution and the laws*. I have in my years as a Judge of this Court tried to live and act by this solemn oath.

18. I believe that in addition to deciding each individual case on its own merits in accordance with the law, the role of a Judge in our constitutional scheme, is to contribute in the development of the rule of law. In a country like ours where law of precedents is as important as the statutory or customary laws, it is the bounden duty of every Judge to contribute in the best way they can do the development of the law. The approach of a Judge, in my limited understanding, must be dynamic and evolving within the four corners of the law. Through its sagacious and creative interpretations the judiciary ought to combine the finest traditions of jurisprudence, with the over-arching constitutional ideal of inclusive and equal society. It is our role to link the wheels of law with the expectations and aspirations of the people.

19. Like all structures that are reliant on their foundations, the Judiciary is reliant on the subordinate judiciary, whose importance cannot be overstated. I take this opportunity to appeal to all judicial officers to exercise their powers with utmost fairness, with the right amount of mercy and as speedily as possible. Impartiality and lack of bias in rendering decisions are the *sine qua non* for meaningful dispensation of justice. The people of this

great nation repose immense faith and hope in the Judiciary. It is our foremost duty to conduct ourselves in a manner befitting of such faith and reflective of such hope.

20. I will be failing in my duty if I do not take this opportunity to implore the younger members of the Bar to come forward and take the opportunity to serve on the Bench when called upon to do so. Imparting justice is a never ending mission and it is imperative that the Bar and Bench are both filled with individuals who are committed to carry forward this mission.

21. I have, to the best of my ability, knowledge and belief, tried to discharge the functions of my office with sincerity. I can only hope that in my endeavour to deliver justice, I have succeeded more often than not, and have in whatever small way contributed to the betterment of the society and the country. It was my constant desire and effort to try and help as many people within the bounds of the law. I take satisfaction in the fact that all through my tenure, I made all efforts possible to this end. Whether or not I did actually succeed in this endeavour is for the Bar and the litigants to gauge.

22. I do not presume myself to be wise, however, from the lessons that life and law have taught me, I do wish to highlight a few for the benefit of the younger members of the Bar:

a. Read extensively – no matter the subject or the context – both legal and non-legal texts, books, commentaries, treatises etc. The more the better.

b. Gain experience and exposure – especially in your early years when you are yet to choose a field of practice, or better still, when a field of practice is yet to choose you, seek exposure to as much of the laws as you can.

- c. Stay committed – Perseverance and hard work are irreplaceable and will lead you a long a way.
- d. Zealously protect your integrity – not enough premium is placed on integrity, but that is the most invaluable asset of a lawyer.
- e. Inculcate discipline in everyday life – be it professional or personal.
- f. Maintain the nobility of this profession - when you can, as much as you can, extend your assistance pro bono to those in need.
- g. Readiness and willingness is key – You must be ready and willing to learn, and to also translate that learning into action when the opportunity to implement that learning presents itself.
- h. Stay healthy – your life in this profession will span several decades, the healthier you are, the longer you can enjoy this profession.
- i. Ask the right questions – A case is often won or lost based on your ability to ask yourself the right questions and then search the right answers to the same. The more answers you find, the more conviction and confidence you will gain while addressing a Court.

With that, I finally take this opportunity to thank a few of the people without whom none of this would have been possible :

1. Chief Justice S. N. Jha, Late Justice Rajesh Balia and Justice N. N. Mathur, who gave me the opportunity to discharge the pious obligation of rendering justice by being a Judge of this Hon'ble Court.
2. My elder brother judges who guided me in my early years as a Judge – Late Justice S.K. Sharma, Late Justice Rajesh Balia, Justice Prakash Tatia (with all of whom I shared division benches), Justice Ajay Rastogi, Justice Dinesh Maheshwari, Justice Govind Mathur – to them I owe a sea of gratitude.
3. Chief Justices – Justice Arun Mishra, Justice Amitava Roy, Justice Navin Sinha, Justice Pradeep Nandrajog and Justice Ravindra S. Bhat – who entrusted me with responsibilities, both judicial and administrative, and gave me the opportunity to contribute to the growth of the Institution.
4. My brother and sister Judges on the Bench, who have shown immense love and affection towards me and supported me in the joint endeavour of taking forward this Institution. I am grateful to them for their unwavering support and assistance in the discharge of my judicial and administrative duties.
5. Learned members of the Bar, who have always extended extraordinary assistance to enable me in delivering judgments and in meeting the ends of justice.
6. My office colleagues during my practicing years as a lawyer – Salil Trivedi Arjun Singh, Vivek Shrimali, Aditi Lodha and Suman Porwal – they were my pillars of support. I wish them the very best, always.

7. Registrar General, Sh. N. M. Meratwal, officers of the Registry - Yudhishtir Sharma, Nihal Chand, Om Prakash, Ramakant Verma, Rajesh Jain, Palwinder Singh, Neeraj Bhambu; Dy. Registrar Accounts Naresh Purohit; Store in charge – Ashok Bhandari, Manish Arora and all other staff members of the registry, past and present.

8. The Officers of RLSA; Mr. Brajendra Jain, Member Secretary, Ms. Poonam Dargan, Director, Ms. Meghna Jain, Additional Director, Mr. Dhiraj Sharma, Additional Director, Ms. Shalini Mahrashi, Additional Director, Ms. Toshita Malani, Deputy Director, Mr. Ravikant, Deputy Director and other staff members.

9. Jt. Registrar Protocol J. K. Rankawat, Superintendent Mohan Kishan, Protocol Staff – Sunil Jain, Ram Ratan Daga, Shiv ji, Akram, Naval Joshi and all other staff members.

10. The staff in the Judges Common Room – Giriraj Arora, Kailash, Rajender Singh, Yasim – all of who provided us with the much needed respite during lunch hours.

11. My personal staff -

a. first and foremost Aditya Joshi, my Private Secretary since the day I became a Judge – for his unquestioning loyalty, impeccable integrity and efficiency. No matter what time of the day, or what day of the week, Aditya discharged his duties without hesitance;

b. I am also thankful to Vijayant Sharma, Rajesh Prajapat and Dharmendra Jhala (private secretaries);

c. Shehenshah (Junior Personal Assistant);

- d. Maqsood Ahmed Siddiqui - the most efficient Court master with an Elephant's memory and the eye of a Hawk;
- e. My Bench Readers - Deepak Lakhani and Manish Jhanwar – another stellar example of efficiency and vigilance;
- f. Rakesh Kalla (Junior Personal Assistant);
- g. Jaiveer (Library Restorer);
- h. Laxman Singh and Himmat Singh (Jamaadars);
- i. Chain Singh (Chauffeur);
- j. Jetharam, Chotu Ram and Jagdish (PSOs).

12. I would also like to thank my Legal Researchers who were associated with me during my tenure as a Judge, Ms. Pooja Shekhawat, Ms. Mona, Ms. Tanushree Buch and Ms. Kiran Kachhawaha. I received able assistance from all of them. I wish them the very best for a very bright and promising future in this extraordinary profession.

13. Prem Singh – our house help in the initial years of my Judgeship. He was instrumental in keeping my ailing mother comfortable all through her final years. Govind Singh Rajpurohit, Balveer Sen, Roopa Ram Dewasi and Ravinder (our house helps) who have kept my family and me comfortable over the years. Their work ethic and devotion was unmatched. They have lived with us through all these years, in good as well as tough times, as members of our family.

There are a lot of names that further come to my mind, with a sense of immense gratitude for the assistance and help that they have rendered to me in the discharge of

my duties. However, owing to paucity of time, it may not be feasible for me to individually thank each one of them. I continue to remain eternally grateful to each and every one of you for your contribution in helping me achieve what I set out to as a Judge of this Court and in making this journey a memorable one.

As I embark on the next chapter in my life, last but not the least, I would like to thank my wife, Veena, for all her unwavering support through the years. My ability to discharge my duties as a lawyer and subsequently as a Judge was a direct consequence of her ability to multi-task and to ensure that the family and the household, including my aged mother and our children, who were young at the time, were well taken care of. This journey, with its successes, is as much her's as it is mine. She has always displayed great strength in dealing with the toughest of times with a pleasant smile, taking life in its stride, and taking all of us along on the way. In her, I have my partner and closest confidante. I look forward to doing everything in my capacity and reach to ensure that in this new phase of our lives I am able to devote more and more time to her and the family.

I am also thankful to my children, Sanyat and Aakashi, who have always acted responsibly and have provided me an honest sounding board whenever I needed one over the years. Through them, we have had the pleasure of welcoming Sanjana and Ravi – our loving daughter-in-law and son-in-law. Most recently, we have been blessed with a new member in our family, my grandson, Agastya, who has filled all our lives with joy and happiness. I look forward to spending quality time with him in his growing up years and witnessing him flourish. I am also thankful to all other members of my family, for the love I have received from them.

It is now time for me to bid *adieu* to this extraordinary Institution which has been and shall forever continue to be a beacon of hope for the people of the State of Rajasthan. An old Rajasthani couplet comes to mind, a conversation between the tree and its falling leaves, which succinctly sums up my feelings towards this Court and my hope for its future –

***“Paat Padante yun kahyo, sun taruvar vanray
Ab ki bichhde nahin milenge dur padange jayein
Tab taruvar yun kahyo sun paat mujh baat
Inn ghar aa hi reet hai, ek aawat ek jaat.”***

The institution is eternal and it lives on. Keep the flag of the Institution flying high!

I once again thank all of you, for everything!
