

Full-Court Farewell Reference (3 pm)

Hon'ble the Chief Justice,

My learned sister and brother Judges,

Additional Solicitors General Ms. Maninder Acharya and Mr. Sanjay Jain,

Mr. Rahul Mehra, Standing Counsel Govt of NCT of Delhi,

Mr. Piyush Gupta, Vice-Chairman, Bar Council of Delhi,

Mr. Mohit Mathur, President, Mr. Jatan Singh and Mr. Abhijat, Vice-President and Secretary, Delhi High Court Bar Association,

Members of District Judiciary, Senior Advocates, Office bearers of District Court Bar Associations, learned Members of the Bar, Special Invitees, Officers and staff of the Registry, Ladies and Gentlemen

A.R. Rahman was once asked at an award function "which is your best music?" And he replied "my NEXT music". These are my precise thoughts on this momentous day of my life. I feel I have had a wonderful innings so far and I hope for better innings in the days to come where I can contribute more. As I demit office today after having spent 38 years in the court, I'm keen and eager, and look forward to what is going to be the role for me hereafter. As has become customary, it also being essential, for a person at crossroads of life, it is but natural that one reminisces about what has gone before.

My first thoughts today go back to my parents. My father Captain ML Gauba shall remain my eternal *Guru* till my last breath. He had joined Indian Army in 1942, at the peak of Second World War. My mother Santosh Gauba joined his life in 1948 and, together, they reared and nurtured the family – including the extended one. The clan having been uprooted from Lahore, now in Pakistan, due to partition needed support. My parents settled each member of the family in their respective lives and also took great care and attention in our upbringing, within the limited means that they had, imbining in us the good values, their aim primarily being to turn us out as good, humane, self-reliant and useful citizens of this great nation. My mother was a simple, loving person with

abiding faith in benevolence of God Almighty. She cultivated in us the spirit of care, compassion and love, her focus being to equip us with ability to move from "self" to "self-less" and cherish "giving", rather than "taking". My father's units' mottos "*Sarvatra Izzat-O' Iqbal*" and "*Karm hii Dharm*" became our mottos! As I look back, the life spent during impressionable years in Army environment at different stations across the length and breadth of this country helped me in attaining a cosmopolitan and egalitarian approach to life. This perhaps was the laying of foundation, by destiny, for me to shed prejudices before stepping on the judicial seat. Whether this succeeded insofar as I'm concerned is for my progeny and others to judge!

It is the abiding desire of every soldier that his son follows and joins him in the Armed Forces for service of the motherland. My eldest brother couldn't because of a handicap. My immediate elder brother wanted but his interests took him into a different direction. I cleared the combined defence services examination of UPSC in 1976 and was selected by services selection board in 1977, less than 20 years in age at that time. But then, the selection authorities short-shruffed my dreams. I was medically rejected for I was short by half an inch in height. I felt as if heavens had fallen! But, my father's second interest – military law – had, by then, caught my attention. I joined law in Osmania University at Hyderabad. As is the experience of every family in the Army circles, my father's transfers and postings from one station to the other would disturb our education – school and college – too frequently for comfort. Midway the course of law, my father's transfer to Jabalpur came. With intervention of Army headquarters, I was able to smoothly migrate to Jabalpur University. Destiny smiled on me and I was able to clear the selection process to join Madhya Pradesh Judicial Service straight from the law college. The journey by overnight train from Hazrat Nizamuddin railway station to Gwalior on the night of November 1981 is still vivid in my memory. I joined judiciary on the next day and after two years, upon selection to Delhi Judicial Service, joined here in 1982 batch.

I have spent two years less than four decades discharging responsibilities from judicial seat at different levels. When I began this journey, I was a

total novice, trained only in theory of law by my law teachers. I was groomed for the role of a judge in whose fair judgment the litigants, lawyers and other stake-holders could repose faith by my seniors and peers, all of whom I would be eternally grateful to! They include Mr. PV Namjoshi and Mr. Barya from Madhya Pradesh; Justices VS Aggarwal, RP Gupta, Manju Goel, RC Chopra; my batch-mates in Delhi AS Yadav and HS Sharma – the list is endless. As I grew in service, the guidance and unstinted support which I received from Justices Ramana, Arjan Sikri, Sanjay Kishan Kaul, AP Shah, Vikramajit Sen, DK Jain, Arun Saharya, G Rohini, Manmohan Sarin, Badar Ahmed, Pradeep Nandrajog, Ravindra Bhat, Muralidhar, Gurinder Sistani only added to my confidence.

I have had the good fortune and privilege of being nurtured by families on my side and that of my spouse – families that have always enveloped us with self-less and abiding love, playing the role of sheet anchor!

My family has been my biggest strength. I being the youngest, my siblings would pamper me. My elder brothers, Chandra and Suraj, growing up a few years ahead of me, would always put their needs on the backburner for my sake, truly father-like! They gave me the drive while my sister, Sneh Prabha, encouraged me dream! She has been my friend, philosopher and guide throughout and after passing away of our parents has eased into the role of my mother! Without their cajoling support, I won't have achieved what I could!

My wife, Dr Shuchi Gauba, my soul-mate and companion of over 34 years, is my source of inspiration. She shares the same values and has stood by, assisting me and the entire family, to live by the principles that we cherish. She is far more mature than I am, a model of dignity, a strong believer. Her spirituality and equanimity have had sobering effect on my personality! Our child, Shriya, is the purpose of our life – a daughter who has made us proud throughout, a high achiever capping her academic success story with gold medal in master's in law. She now serves the institution as a judicial officer! Her husband, Nishit Agrawal, comes from the celebrated stock of a family connected to law for three generations. He is doing well in legal practice. Both of them are caring and compassionate - our pillars of support in every which way. The bonding

with Nishit's parents, Kavita and Nikhil Agrawal, Sunaina and Dhruv has added lustre to our lives. We bask in the warmth of their love, feeling blessed!

I must remember today Mrs Tara Chaudhary, my wife's mother, the saintly figure at whose feet I tried to relearn the qualities of rectitude, compassion and modesty. Some of my wife's siblings have had great influence in shaping and moulding our personalities. They include her sisters out of whom Kiran is present here. From them I have learnt to be more humane, to believe in myself, and the utmost satisfaction that can be derived from working with dedication and sincerity. They have been rock-solid support to us, at times indulging me with over exaggerated sense of my achievements. I convey my gratitude to each of them.

Judicial service is the bedrock of this institution. I am proud of my growth in the service from the grassroots level. High Court, as the Constitution ordains, holds the power of superintendence over the district judiciary. As I said only 2 days ago at a conference, this position of the High Court bestows on it more of responsibility, rather a duty, to inspire and motivate the younger lot. The judicial service, let me assure, is brimming with talent which needs to be nurtured and encouraged. I can count many a star who are bound to shine in future and only need recognition. Timely upward growth in the career would prove to be a major boost by which the institution itself to gain advantage.

As I hang my boots as a Judge of the Court, and look back, I have reasons to feel satisfied. I had the good fortune to sit in rosters with a broad spectrum of jurisdiction – taxation, writ, service, company law, torts, civil, criminal, you name it. I was privileged to be on superior benches for long or short durations with leading lights like Justices Nandrajog, Sanjiv Khanna, Ravindra Bhat, Badar Ahmed, Gita Mittal, Hima Kohli, Mridul, Endlaw, and late Valmiki Mehta. I grew in their company – this helping me become a more sedate judge. We have had differences of opinion in certain matters – I being in minority at times - but my brethren respected this as my contribution to the narrative and jurisprudential growth.

My brothers and sisters on the bench of this premier High Court, of which I have been a proud member, have been hugely supportive of me throughout. We have received a lot of love and affection from each of them – sharing our moments of joy or difficult times – in the process we becoming an extended family. Chief Justice Patel became the skipper of this ship in June 2019 and has steered us from the front, like a true leader, by example. His habits of frugal eating, at times, created difficulties for me, a lover of food, since I would share the space on the lunch table right across! But I must say, he has a keen sense of assessing the personality and aptitude and therefore would not only encourage us to enjoy good things of life like sumptuous food but also draw out the best from us in work. I thank the Chief Justice and my brothers and sister judges on the bench for being so encouraging.

I may be using a cliché here when I say that bar is the teacher of judges. In my respect, a first generation in field of law, there cannot be a more true statement. I came to judicial position as raw as they come. Whatever little knowledge that I could gather over the years is credited to the extraordinary assistance that I received from the bar. If I start mentioning the names of the doyens who I had the privilege to hear in my court and whose labour of love translated into some of my judgments which I count as of some import, we would perhaps require the entire day. The love and affection, the trust and confidence, and faith that my judgement would be uninfluenced are the precious gifts from the bar which I carry home. At times, in court I may have been a little harsh – at times, a little impatient – at times, a little slow in granting relief. But, I would only say that doing so was considered by me to be the call of my duty at the time in the given case. If in the process, I ended up hurting the feelings of anyone, it was unintended and, therefore, I would seek to be understood.

I must put on record my deep sense of appreciation for the very able way in which I have been supported by the court and registry staff over the years.

I have had the benefit of assistance from a number of law researchers. Those who stood out include Shivani Joshi, Shubhani Joshi, Siddhant Sharma, Simranjeet Singh, Piyush Beriwal, Rati Coshic, Nikita Kaushik,

Mehak Garg, Shelja Pradhan, Sambhavi Mehtani and Varyam Pandey. They provided me not only with good case-law research but also incisive and mint-fresh out-of-box thoughts in certain very complex matters. The credit for some of my judgments that may be found of use in future is substantially theirs' to take. I am happy and satisfied that each of them is now either well settled in the profession or pursuing higher studies which, one is confident, would ensure them to find their place under the sun. There would remain part of my family.

My stenographers – Yashpal, Vinod, Niti have always tirelessly aided, at times at cost of personal discomfort, producing spot-less transcripts of dictations taken even on holidays, helping me render timely decisions. Court-masters – Mr. Joshi and Mr. Ravinder Singh - kept my court organised, giving ministerial inputs that helped ease the task. Restorer Mr. Bharti would pre-judge the need of books making the exercise so smooth. Usher and Attendants Ashok Kumar, Mohd. Yakub, Vijender, Beena and Umesh took great care of my personal comforts. My previous chauffeur Mahipal, a former air force personnel, passed away in harness, on duty. He was a god-fearing noble soul, truly committed to the duties assigned. His place was ably filled in by Sanjay. My PSOs Gulab Singh and Aas Mohd. have been disciplined accompaniments through my official engagements, doing their duty in most unobtrusive manner. Their vigil exuding good training, devotion to duty and adherence to circumspection was most reassuring. The services rendered by each of them have been invaluable. And I thank each of them!

The protocol and medical assistance are things that keep us immune from mundane worries. We have a band of dedicated staff looking after these areas. The devotion that the staff displays, sharing at times the pain and suffering, is something that has no parallel. I express gratitude to all members of protocol and medical wings for the personal touch given in care and concern for me and my family.

Shakun Anand, my Private Secretary throughout, deserves special mention. With her sincerity, she has become part of my family, taking care with acute personal attention to detail of our needs through thick and thin. The meticulous role performed by her in organizing various

events connected to my daughter's wedding in 2016 and the exemplary way in which she undertook with dedication the responsibilities has endeared her to all of us. I and my family would miss you, Shakun!

Satya Nadella, CEO of Microsoft, has spoken about his grandmother defining success thus: "Success is when you look back at your life - and the memories make you smile". I and my family today have reasons to smile. The smile is of satisfaction with the work done. And as we do so, we bow our heads before God Almighty expressing gratitude for the opportunity given to serve the humanity by playing a meaningful role in this cosmos.

But, as they say, "We are all stories in the end. Just make it a good one." That was my endeavour. Now it is for the history to judge!

To do justice is divine duty! What I had set out to do in 1981 was duty with divinity – a Maha- Yagya! Today is the day of Poorn-Ahooti! if I have erred at any step, I beseech divine pardon by Kshama Prarthana from Durga Saptashati:

अपराधसहस्राणि क्रियन्तेऽहर्निशं मया ।
दासोऽयमिति मां मत्वा क्षमस्व परमेश्वरि ॥१
आवाहनं न जानामि न जानामि विसर्जनम् ।
पूजां चैव न जानामि क्षम्यतां परमेश्वरि ॥२

