

FAREWELL SPEECH ON THE RETIREMENT OF
HON'BLE MR. JUSTICE G.P. MITTAL DELIVERED
ON 08.07.2015

G. ROHINI
CHIEF JUSTICE

Justice G.P. Mittal,

My esteemed brother and sister colleagues,

Shri Rajeev Khosla, President, Delhi High Court Bar Association,

Shri Sanjay Jain, Additional Solicitor General,

Shri K.K. Manan, Chairman, Bar Council of Delhi,

Shri Jatan Singh, Vice-President, Delhi High Court Bar Association,

Shri Abhijat, Secretary, Delhi High Court Bar Association,

Shri Raman Duggal, Standing Counsel (Civil), Govt. of NCT of Delhi

Shri Rahul Mehra, Standing Counsel (Criminal), Govt. of NCT of
Delhi

Other Standing Counsel of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

Senior Advocates,

Members of the Bar,

District & Sessions Judges,

Law Secretary,

Family members of Justice Mittal, and

Ladies and gentlemen.

We have assembled here today to bid farewell to Justice G.P. Mittal who is demitting office today after almost five years of service to this court. Parting company in any manner is painful. One may notice the present moment with several dimensions but the fact remains that past has flown away, the present exists and we look towards the future.

Justice Mittal had a brilliant academic career as he has been a Gold Medallist in LL.b. from Kurukshetra University. It has been almost 39 years since the judicial journey of Justice G.P. Mittal started when he joined the Delhi Judicial Services on 20th May, 1977 as Metropolitan Magistrate. Justice Mittal was also posted as Additional Rent Controller, Presiding Officer of Labour Court and Senior Civil Judge. In the year 1996, he was promoted to Delhi Higher Judicial Service and worked as Additional Sessions Judge, Additional District Judge, presided over the Motor Accident Claims Tribunal and as Special Judge (CBI). Justice Mittal also worked as Judge-in-charge of Delhi Mediation Centre at Tis Hazari Courts and imparted training in Mediation to the Judicial Officers in the District Courts. This is because there is a teacher in him which the Bar acknowledged.

Thereafter, he was appointed as Principal Secretary (Law & Justice), Government of NCT of Delhi in January, 2008. His talent blossomed during his position as District & Sessions Judge, Delhi in May, 2009.

As the District & Sessions Judge, he not only showed his ability as the Head of the district judiciary but also reflected his inherent capacity of controlled administration.

He was elevated as an Additional Judge of Delhi High Court on 29th October, 2010.

As a Judge of this Court, it can be stated with certitude that his commitment to duty is exemplary. His approach, as his judgments do reveal, has always been well researched and well reasoned. That apart, what makes him stand away from others, is his normative perception which has a social phenomenon. While laying down the law, Justice Mittal has laid emphasis on the social values that a civilized and cultured society is required to perceive and follow. He was simultaneously analytical and innovative. Very rarely one sees both the qualities so holistically balanced. His hard work not only projects an attitude of an individual to march on the path of quality but also magnifies a sensible and a sensitive institutional philosophy.

In the last one year or so of my acquaintance with him, I have observed in my humblest way the rationalistic approach he has to a problem and his intolerance to any kind of deviancy from the well cherished values of a judge. One may, at times, feel that he has a total individualistic perception but I must pleasantly and candidly state that behind this individualistic phenomenon, the institutional road map is visible.

His distinguished tenure as a Judge of the Delhi High Court is dotted with many landmark and path breaking judgments on procedural as well as substantive laws including Constitutional Law, Criminal Law, law relating to Intellectual Property Rights, Taxation, Company Law, Rent Control, etc.

Some of his important judgments include **Jasmeet Kaur v. Gurjeet Singh Talwar**, (2014) 215 DLT 371, wherein, while dealing with an interim application for grant of marriage expenditure for the daughter of an estranged couple, it was held that the father is under an obligation to make provision for reasonable expenditure as per his status in respect of marriage of a daughter and a sum of Rs.37 Lacs was granted for the marriage of the couple's daughter to be paid by the father.

In **Oriental Insurance Co. Ltd. v. Rakesh Kumar**, 2012 ACJ 1268 (Del), the divergence of opinion with regard to the liability of the Insurer to pay compensation to a victim of a motor vehicular accident was settled and it was held that irrespective of the wilful breach of the terms and conditions of the insurance policy, the insurer will be liable to satisfy third party liability in respect of payment of compensation.

In **Hima Chugh v. Pritam Ashok Sadaphule**, 2013 CrI. L.J. Del. 2182, the Petitioner never resided with her husband's parents. It was a matter arising out of a complaint under the Protection of Women from Domestic Violence Act, 2005 wherein Justice G.P.

Mittal held that shared household as envisaged under Section 2 (s) of the Domestic Violence Act is a house where the aggrieved person stayed as a member of the family or a joint family and that it will not include a casual visit of a daughter-in-law to the house of her father-in-law or brother-in-law.

It was further held that a domestic relationship continues so long as the parties live under the same roof and enjoy living together in a shared household. Where living together has been given up and a separate household is established, domestic relationship comes to an end and relief under the Domestic Violence Act is not permissible.

In **Ramesh @ Bori v. State**, Criminal Appeal No. 165/ 2005 (decided on 31.03.2011), the Court found that though the Appellant was a juvenile on the date of commission of the offence of murder, the prosecution did not take any steps during investigation or trial to determine the age of the accused and was awarded a sentence of imprisonment of life and had already undergone a sentence of eight years. While releasing the juvenile, it was directed that the Government of NCT of Delhi shall pay a compensation of Rs. 5 Lacs to the juvenile since the maximum period for which a juvenile could have been detained in a special home was three years and that the juvenile suffered unlawful detention for over five years.

In a murder case titled **Tunda Ram Dagar v. State**, 2011 SCC Online Del. 1526, Justice Mittal held that evidence of a witness who

dies before his cross examination would be admissible in evidence. However, the weight to be attached to such evidence would vary according to the circumstances of each case.

One can see that Justice Mittal decided both procedural and substantive matters with the same level of care and also relied on the principles of social justice and equity to help the aggrieved parties as best as he can, without deviating from the letter of the law.

As a member of the noble profession, he religiously maintained and scrupulously sustained the dignity, sincerity and nobility of the profession.

He has also been a member of the Building Maintenance Committee, Delhi High Court and Tis Hazari Courts, Delhi High Court RTI Committee, among others, and has had an immense contribution in the well being of the institution.

It is my great pleasure to have associated with Justice Mittal even if it was for a shorter duration than I would have liked. I am sure that Justice Mittal will keep the flags high and will shine the institution he is joining.

I wish him good health and good luck in all his future endeavours.

Thank you.