

**FAREWELL SPEECH ON THE RETIREMENT OF HON'BLE
MR. JUSTICE SUNIL GAUR, THE JUDGE OF DELHI HIGH
COURT ON 22.08.2019 AT 3:00 P.M.**

**JUSTICE D. N. PATEL
CHIEF JUSTICE**

Justice Sunil Gaur,

My esteemed brother and sister Judges,

Smt. Maninder Acharya, Additional Solicitor General,

Shri Piyush Gupta, Co-Chairman, Bar Council of Delhi,

Shri Mohit Mathur, President, Delhi High Court Bar Association,

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

Shri Abhijat, Secretary, Delhi High Court Bar Association,

Shri Ramesh Singh, Standing Counsel (Civil), Govt. of NCT of
Delhi;

Standing Counsels of the Central and State Government;

Executive Members of the Delhi High Court Bar Association;

Office Bearers of Bar Council of Delhi and other District Bar
Associations,

Senior Advocates,

Members of the Bar,

Family members of Justice Sunil Gaur,

Ladies and Gentlemen,

We have assembled here today to bid farewell to our esteemed colleague Justice Sunil Gaur who demits office on superannuation after a distinguished and fulfilling career.

Justice Gaur was Born on 23rd August, 1957 in Bulandshahar District, Uttar Pradesh. Justice Gaur completed his graduation in Arts stream from Punjab University in 1978 and thereafter completed his Masters degree with first division in 1980, he completed his Bachelor of Laws in 1983 and enrolled as an Advocate in the year 1984.

Justice Gaur has started his legal profession at Punjab and Haryana High Court in the year 1984. He practiced for 10 years in the High Court of Punjab and Haryana in Civil, Criminal and Constitutional matters and specialised in Criminal laws.

Justice Gaur joined the Higher Judicial Service of Delhi in March, 1995. He worked as Additional District Judge, Tis Hazari Court during 1995-1996 and 2000-2003. He worked as Additional Session Judge, Patiala House Court during 1996-2000 and worked as Special Judge (NDPS), Karkardooma Court during 2003-2005, and also worked as Special Judge (CBI) during 2005-2007. Justice Gaur also worked as Judge In-Charge, Mediation Centre Tis Hazari Court.

Justice Gaur was appointed as an Additional Judge of this High Court on 11th April, 2008 and became Permanent Judge on 11th April, 2012.

For the growth of this institution, Justice Gaur has always been willing to take responsibilities beyond judicial work. On the administrative side, he has been a part of committees in various capacities like, Member of Administrative and General Supervision Committee, Member of Committee for appointment of Special Metropolitan Magistrates, Oath Commissioners, Law Researchers, Law Interns, etc., Member of 'Internal Complaints Committee' as the Inquiring Authority constituted in terms of Section 4 of 'The Sexual Harassment of Women At Workplace, Member of COFEPOSA Board in the year 2014-2015, and also Chairman of Building Maintenance and Construction Committee, Dwarka Court Complex.

Throughout his distinguished career as a Judge, Justice Gaur has delivered many landmark judgements, few of which deserve special mention.

In ***Sukhbir Singh v. Union of India***, Justice Gaur observed that there is no hard and fast rule or strait-jacket formula to assess market value of the acquired lands and in the absence of evidence regarding potentiality of the acquired land, comparable precedents, can always be relied upon to reasonably assess, the market value of the acquired land, while computing the rate of escalation in price of acquired land @ 10% per annum.

In ***N. C. Bakshi v. Union of India***, Justice Gaur observed that even if petitioners have participated in elections prior to filing of the writ petition, still, the delay and laches of

ten months, will not stand in their way, to legitimately question the altered *Articles of Association* being in contravention of provisions of the *Companies Act, 1956*, as Section 9 of the *Companies Act, 1956* mandates that this Act overrides the *Memorandum, Articles*, etc. to the extent they being repugnant to the provisions of this Act.

In ***Sant Nirankari Boys Senior Secondary School v. Govt. of NCT of Delhi***, Justice Gaur observed that Rule 5 of *Delhi School Education Rules, 1973* stipulates that free education is to be provided, for all children, till the 8th Class or till the children have attained the age of 14 years, therefore, it is abundantly clear that in order to provide free education, respondent-State is obligated to give Grant-in-Aid and financial assistance to the school.

Justice Gaur has rendered all possible assistance that an institution expects, from a Judge in discharging his constitutional obligations and he shall be remembered for his positive support, in all our court related activities.

Justice Gaur is parting company with us, but, only as a sitting Judge of this Court. He shall be in our hearts, as a member of our family. I am sure that even after retirement, he would always be eager to lend his helping hand, whenever this institution requires, his services.

I extend my best wishes and congratulate his family members on this occasion.

I, on my behalf and on behalf of all my colleagues wish him good luck in his future pursuits.