

FAREWELL REFERENCE OF HON'BLE MR. JUSTICE S.L. BHAYANA, JUDGE, DELHI HIGH COURT AND HON'BLE MR. JUSTICE MOOL CHAND GARG, JUDGE, ON HIS TRANSFER TO HIGH COURT OF MADHYA PRADESH

Hon'ble Justice S.L. Bhayana, Hon'ble Justice Mool Chand Garg, my esteemed peers on the Bench, Mr. A.S. Chandhiok, learned Additional Solicitor General and President of Delhi High Court Bar Association, Mr. Rakesh Tiku, Chairman, Bar Council of Delhi, Mr. D.K. Sharma, Honorary Secretary of Delhi High Court Bar Association, learned members of the Bar and family members of Justice Bhayana and Justice Garg.

Today, we have assembled here to bid farewell to Justice S.L. Bhayana on his demitting the office and to Justice Mool Chand Garg on his transfer to the High Court of Madhya Pradesh. Parting company in any manner is painful but to be aware of it moment by moment conveys its reality. 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 Bhayana after becoming an advocate in the early part of seventh decade of the last century practised law in the District courts and the High Court of Delhi with dedication, devotion, commitment and maintained the high traditions of the Bar. His practice in multifarious fields is well acclaimed.

August 1989 witnessed him as a member of Delhi Higher Judicial Service and, I must unhesitatingly admitted, he acquitted with impeccable propriety the posts he held and showed his excellence as a Special Judge that dealt with model trials.

Elevated as a Judge of this Court in February 28, 2006, he was not troubled by the duty cast on him but lived upto it with meaning and sincerity. His human heart believed in the positivistic legal approach with mercy inherent in it. The reason, substance and mercy are reflected in his decisions and the thinking process. It would not be out of place to say that as a Judge he did not react to the stimuli but indubitably responded to the sense and meaning of justice. I am certain that he believed faith is knowingness and that faith kindled optimism in him. He glorified the concept that faith is necessary for achievement and he has so practised.

I must pleasantly state that he has been a good friend and rendered all possible assistance that the institution expected from a Judge in discharging his constitutional obligations as well as his administrative function.

I am sure he will swim in the river of time and carry it along and would fruitfully spend the time because he has the ability of the mind not to allow the time to cause any wound in his thinking system.

Justice Mool Chand Garg, a graduate in commerce and a diploma in cyber laws, after being called to the Bar specialized in civil as well as criminal law. He had the occasion to represent the Govt. of NCT of Delhi in many forums quite effectively. After joining the Delhi Higher Judicial Service as an Additional District Judge in 1995, he held many sensitive posts and came with flying colours. His contribution to mediation has been recognized by the legal fraternity as well as by public who have had the benefit of mediation. He has been able to change the perception of many towards life through the process of mediation which brings amity and sensitive amiability.

April 2008 saw him as a Judge of Delhi High Court and I have witnessed in my tenure, he has worked with intense desire, embedded devotion and indomitable courage. He has not been plagued by the pressures of the time but functioned with strongest passion for justice. His noble patience is his wealth. It can be stated with certitude, when one performs once duty without enthusiasm it is laborious but when one does once duty with optimism and enthusiasm it is really glorious and Justice Garg, I must say, has so done with immense simplicity.

Justice Garg has taken active part in legal education by addressing students on many an occasion and inspired them to get into the main stream of law. He has authored articles which show the enterprise, inside and felicity of expression.

Justice Garg has served this institution as a member of district judiciary and as a Judge of this Court. He is going to a High Court where I was a Judge for almost 13 years. I am absolutely certain he would serve the institution and see that justice reaches to the poor and the marginalized because the State of Madhya Pradesh has a different geographical contour and historical graph.

At this juncture, I can only say all of us would miss Justice Garg but our hearts shall remain open to welcome him.

My colleagues and I with all humility and sanguinity at our command convey our best wishes to Justice Bhayana to lead a life of peace, prosperity and spark of spontaneity in times to come and we convey in fewest words that Justice Garg shall make a distinct mark as a Judge in the High Court of Madhya Pradesh.

Thank you,

Date: 08.04.2011