

**FAREWELL SPEECH ON THE RETIREMENT OF HON'BLE  
MR. JUSTICE J. R. MIDHA, THE JUDGE OF DELHI HIGH  
COURT ON 07.07.2021 AT 3:00 P.M.**

---

**HON'BLE MR. JUSTICE D. N. PATEL**  
**CHIEF JUSTICE**

Justice J. R. MIDHA,

My esteemed brother and sister Judges,

Shri Chetan Sharma, Additional Solicitor General of India,

Shri Ramesh Gupta, 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 Sanjay Lao, Standing Counsel (Criminal), Govt. of NCT of  
Delhi,

Shri Santosh Tripathi, 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 J. R. Midha,

Members of Print and Electronic Media,

Ladies and Gentlemen,

We have virtually assembled here today to bid farewell to our esteemed colleague Justice J. R. Midha, who is demitting office, on superannuation, after a distinguished and fulfilling career.

I consider it a great privilege to of speak about the immense contribution made by Justice Midha in the myriad roles he has played both at the Bar and on the Bench.

Justice Midha was Born on 8<sup>th</sup> July, 1959 at Shimla and completed his early education from Delhi. After graduating in Bachelor of Science in Zoology from the prestigious Hansraj College, Delhi University in 1979, he studied law at Campus Law Centre, Delhi University and was enrolled as an Advocate with the Bar Council of Delhi on August 5, 1982.

Justice Midha started his legal practice, under the guidance of Late Sh. Ishwar Das Garg, a well-known civil lawyer on civil side at District Court, Tis Hazari and thereafter worked in Bhasin & Company, a law firm in Delhi. Having established in the field, he started his independent practice at District Court, Tis Hazari.

Deep attachment of Justice Midha, to the field of academics, made him take an extra responsibility, of a part-time Lecturer in Campus Law Centre, from 1989-1992 along his growing professional career. He was one of the most

admired teachers and it's a matter of pride that some number of his students, who now adorn the Bench and are in the Bar.

Justice Midha shifted his practice to Delhi High Court and was practising mainly on the civil side and was twice elected as Member Executive of the prestigious Delhi High Court Bar Association.

Justice Midha appointed as the Standing Counsel (Civil), Government of NCT of Delhi in May, 2006, and represented Government of Delhi in several important matters.

Before elevation, Justice Midha was practising before Delhi High Court, Supreme Court and other Courts/Forums including MRTI Commission, National Consumer Disputes Redressal Commission etc.

Justice Midha elevated as an Additional Judge of this court on 11<sup>th</sup> April, 2008 and became Permanent Judge on 6<sup>th</sup> July, 2011.

Justice Midha has written a book titled as "Amendments to Code of Civil Procedure in 2002". He has been often invited to contribute to National and International conferences, debates and discussions. He has also written First edition and second edition of a book titled as "Motor Accident Claims Referencer" in 2011 and 2012.

Justice Midha has always been acknowledged for being a pleasant yet forthright and upfront person. He is also an outstanding and hard-working judge known for giving a patient

hearing to everyone, which reflects in his landmark judgements. This has also resulted in deep admiration and respect, from the members of the Bar.

For the growth of this institution, Justice Midha has always been willing to take responsibilities beyond judicial work. On the administrative side of this Court, Justice Midha served as a Member and Chairperson of various committees. He served as a Member of the Administrative and General Supervision Committee and Building, Maintenance, Construction and matters relating to the working of Family Courts Committee and also served as a Member of Medical Committee. He served as a Chairperson of Judicial Education and Training Programme Committee, (JETPC), and Chairperson of Committee To Examine the matter regarding position of all contractual employees including outsourced employees from all sources as also Committee to monitor the functioning of Motor Accident Claims Tribunal (MACT) and to ensure the compliance of the various directions issued in this respect by the Hon'ble Supreme Court of India and High Courts. Justice Midha served as a chairperson of the Delhi International Arbitration Centre and also served as Chairman of the Committee to consider matters relating to welfare of Judicial Officers etc.

Throughout his distinguished career as a Judge, Justice Midha has delivered many landmark judgements, few of which deserve special mention. In the case of, '**Karan and Ors. v. NCT of Delhi**', Justice Midha secured the right to restitution for victims of crime, in a batch of appeals concerning a conviction

under Section 302/34 IPC. Justice Midha laid down the detailed steps to be taken in furtherance of the same. He held that after conviction, convicts shall file an affidavit disclosing their assets, income, and expenditure to enable the trial courts to arrive at the compensation payable to victims. Following the affidavit, a ***Victim Impact Report (VIR)*** shall be filed by Delhi State Legal Services Authority (DSLISA) in every criminal case after a summary inquiry. Thereafter, the trial court concerned shall consider the Victim Impact Report, the paying capacity of the accused, expenditure incurred on the prosecution and the submissions of the parties to award the compensation to the victims. The Court has clarified that DSLISA shall award compensation under Section 357A CrPC, from the ***Victim Compensation Fund*** under the Delhi Victims Compensation Scheme, 2018.

In the case of, "***Hajara & Ors. v. Government of India***", the Court discussed about the number of false claims/defences raised by the government in various cases. Justice Midha while referring a plea seeking implementation of the National Litigation Policy to the PIL Bench, stated that such an act of the Government officers is done with impunity since there is no accountability of any government officer raising such claims. He further noted that Courts seldom act against such officers raising false claims. He further emphasized that the core issue involved in the Court cases needs to be focused and the same has to be managed and conducted in a cohesive, coordinated

and time bound manner with the aim to reduce government litigation in Courts.

In the case of, "**SUNIL TYAGI v. GOVT OF NCT OF DELHI & ANR**", the Court was dealing with Petitions wherein the Petitioners were declared as "Proclaimed Offenders" without following the due process of law. Justice Midha, while setting out detailed guidelines with regard to the procedure of declaring persons absconding from the law as a *Proclaimed Offender* under Section 82, CrPC, also observed that declaring a person as a *Proclaimed Offender* leads to a serious offence under Section 174A IPC which is punishable for a period upto 3 or 7 years. It affects the life and liberty of a person under Article 21 of the Constitution of India, and it is necessary to ensure that the process under Section 82 and 83 CrPC is not issued in a routine manner and due process of law should be followed. He further observed that once a person has been declared as a Proclaimed offender, it is the duty of the State to make all reasonable efforts to arrest him and attach his properties as well as to launch prosecution under Section 174AIPC.

In the case of '**RAJESH TYAGI and Ors. vs JAIBIR SINGH and Ors.**', Justice Midha formulated a New Scheme for Motor Accident Claims for speedy resolution of motor accidents claims. The scheme entailed that the Investigating Officer shall intimate the accident to the Claims Tribunal and insurance company by submitting First Accident Report (FAR) in Form-1 within 48 hours of the intimation of the accident. The

Claims Tribunal Agreed Procedure formulated with the consent of all the Insurance Companies and Delhi Police provides that the police shall complete the investigation of a criminal case, collect the entire evidence relating to computation of compensation and file a Detailed Accident Report (DAR) with the Claims Tribunal within 30 days with a copy to the Insurance Company whereupon the Insurance Company shall compute the compensation and offer the same to the claimant within 30 days thereafter. If the amount offered by the Insurance Company is fair and reasonable, the Claims Tribunal shall pass a consent award and the compensation is paid within 30 days. However, if the amount offered by the Insurance Company is not fair, the Tribunal shall pass an award within 30 days thereafter meaning thereby that the claimants get the compensation within 90 to 120 days. The Judgment was a great step in expediting the payment of proper compensation to Motor accident victims.

Justice Midha has rendered all possible assistance that the 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 as well as the discipline he mentioned on and off the Bench.

Under his leadership, the Delhi Judicial Academy and Delhi International Arbitration Centre Academy has conducted programmes unabated and somewhat with even more energy in these pandemic times. Justice Midha has also pursued

completion of the new DIAC website, and DIAC has published its journal and revamped its empanelment rules.

The virtues of self-discipline, self-restraint and self-development, which are the quintessence of Indian dharma and culture, are as fully relevant today as they were at their first teaching three thousand years ago and Justice Midha has adopted all these qualities.

It is said that a Judge must have the grace to hear patiently, to consider diligently, to understand rightly and to decide justly with a sense of humility. Justice Midha more than meets these test.

Justice Midha is a spiritual person and he has proved that "faith" is the soul of "success". As he prepares to depart from this court, I have to say that we will miss him deeply.

I extend my best wishes and congratulate his beloved family members, Wife: Smt. Kiran Midha, Daughter: Ms. Meenakashi Midha, and Son: Mr. Kapil Midha, both are practicing Advocate.

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

Thank You!