

**FAREWELL SPEECH ON THE RETIREMENT OF HON'BLE  
MR. JUSTICE ANIL KUMAR PATHAK, THE JUDGE OF  
DELHI HIGH COURT ON 10.07.2019 AT 3:00 P.M.**

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

Justice Anil Kumar Pathak,

My esteemed brother and sister Judges,

Smt. Maninder Acharya, Additional Solicitor General,

Shri K.C. Mittal, Chairman, Bar Council of Delhi,

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

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

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 A.K. Pathak,

Ladies and Gentlemen,

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

Justice Pathak was born on 11<sup>th</sup> July, 1957 in Badaun District, Uttar Pradesh. He graduated in Science from Lucknow University in 1976 and completed his Law from Lucknow University. He was enrolled as an Advocate in the year 1980 with the Bar Council of Delhi and started his legal practice before the Supreme Court of India, High Court of Delhi, National Consumer Disputes Redressal Commission, MRTTP Commission and other Judicial Forums during the period from 1980 to 1995.

His legal acumen came to be recognised when he was selected for Delhi Higher Judicial Service on 9<sup>th</sup> March, 1995. During his tenure as an officer of Delhi Higher Judicial Service, he presided over a large number of courts dealing with variety of subjects and always proved himself, worthy of the task assigned. He worked as Presiding Officer, Debts Recovery Tribunal-I and Presiding officer, Employees Provident Fund Appellate Tribunal. He also worked as Registrar General of Delhi High Court from 28<sup>th</sup> February, 2006 to 6<sup>th</sup> January, 2007.

On 14<sup>th</sup> May, 2009, Justice Pathak was elevated as an additional Judge of Delhi High Court and became permanent Judge on 05<sup>th</sup> September 2013.

Going through his judgements can definitely be a learning exercise. It would be difficult to find in his judgments anything more than, necessary, without leaving any argument unaddressed presented before him. His judgements reflect brevity, clarity and focused approach in true sense.

Justice Pathak has dealt with the matters in various jurisdictions. He has delivered various landmark judgements which exhibit his clarity on legal principles, his concern for social obligations in the context of his legal work so as to ensure complete justice to the marginalized sections of the society.

Throughout his distinguished career as a Judge, Justice Pathak has delivered many landmark judgements, few of which deserve special mention. In **Shivani Rajeev Saxena case**, Justice Pathak explained the principles relating to the applicability of proviso to Section 437(1), CrPC pertaining to grant of bail to female offenders and the manner in which the discretion has to be exercised by the Court while dealing with female offenders charged with Economic Offences. In **Merch Sharp and Dohme Corporation Case**, Justice Pathak had held that merely manufacturing generic version by the defendant and selling at a lower rate than plaintiff could not be

made a ground to decline injunction against defendant. In **Vimla Monga Case**, Justice Pathak held that Courts have to make an endeavour, to uphold, a family arrangement instead of disturbing the same, on technical and trivial grounds. In case court finds that family arrangement suffers from a legal lacuna or a formal defect, the rule of estoppel is applied to oust the plea of the person, who being a party to the family arrangement, seeks to unsettle, a settled dispute and claims to revoke the family arrangement under which, he has enjoyed some material benefits.

On the administrative side of this Court, Justice Pathak served as a member of several Committees of the Delhi High Court including Criteria Committee, Building Maintenance and Construction Committee for Patiala House Court Complex, Rules Committee, Medical Committee and also served as a member of Inspection Committee from 2015 to 2018.

During my short tenure after joining this High Court I have found Justice Pathak to be a sincere and hard-working person. As a Judge of this Court, his contribution to the cause of justice, will always be remembered and cherished.

Justice Pathak 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 to justice A. K. Pathak to 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.