

04.01.2021

**FAREWELL SPEECH OF HON'BLE MS. JUSTICE HIMA KOHLI**

Hon'ble the Chief Justice Sh. D.N. Patel,

My esteemed colleagues,

Former Judges of this Court,

Registrar General and officers of the High Court,

Mr. Chetan Sharma, learned ASG,

All Standing Counsel for the Central Government,

Mr. Rahul Mehra, Standing Counsel (Criminal),

Mr. Ramesh Singh, Standing Counsel (Civil),

Learned counsel for the Government of NCT of Delhi,

Mr. Ramesh Gupta, Chairman, Bar Council of Delhi,

Mr. Mohit Mathur, President,

Mr. Jatan Singh, Vice-President,

Mr. Abhijat, Hony. Secretary and

Office bearers of the Delhi High Court Bar Association

Former Presidents and office bearers of the Bar Association

Presidents, Hony. Secretaries and office bearers of the District Bar Associations.

Learned Senior Advocates and the legal fraternity

My Family Members, Relatives and Friends,

Staff Members,

Esteemed guests and Ladies & Gentlemen.

1. On penning my thoughts for today and looking back, I noticed that my life can be slotted into three phases. The first phase commenced with schooling, through college till completion of law; the second phase was that of a lawyer and the third phase commenced on being elevated as a Judge of this esteemed Court.

2. I was born and brought up in Delhi. My parents hailed from pre-partition India. As teenagers, they witnessed the trauma of partition. They had to leave their home and hearth and migrate to Delhi to restart their

lives from the scratch. My father's family belonged to Jalandhar and he came from a business family while my mother was born in Gujranwala Town. Her side of the family were into academics. My maternal great grandfather, grandfather and his siblings were mostly postgraduates and professors in Punjab University. History was the subject of choice. Following the family footsteps, my father established his business in Delhi in the early fifties that flourished over time. My mother, an alumni of Indraprastha College, remained a dedicated homemaker, attending to the needs of her two daughters, my sister, Neelu and myself and running the house with clockwork precision. We were admitted in St. Thomas School. The job of rearing us was neatly divided between my parents. My mother focused on our studies and all the school related activities and my father organized the fun time activities. As children, we had a set routine. Under my mother's strict supervision, the whole week was dedicated to school and homework. But Sunday was a fun filled family day, starting with breakfast and ending with dinner. Our parents took us out for a South Indian breakfast, followed by a visit to the home of a family friend with a movie thrown in the afternoon. The day ended with high tea at a restaurant. So Sunday used to be the high point of our lives.

3. My sister, being the first born, led a protected life. But when it came to me, my parents realized that children must be trained to be independent and rough it out from early age. A simple example of this was that while my sister would be dropped and picked up by car through her school days and on several occasions even in college, for me, the car was withdrawn in High School and I was told to travel in the school bus, which I treated as a hardship! I was good at studies and invariably topped the class. But this did not deter my mother from visiting our school every week to keep abreast of our progress. It was a privilege to be elected as the Head girl of the school in the final year.

4. On completing school, my parents, continuing with their protective mode thought it fit to admit my sister in an all girls college (Miranda College), but when it was my turn, they were open to my gaining admission in a Co-Ed college. That is how, I joined St. Stephen College from where, following the family tradition, I graduated in History (Hons.). Mine being the second batch of ladies, we were a handful and treated rather well in college. As a day scholar, the college routine was fairly set. Attended classes, attended tutorials, went to the library and picked up a

few books. Off and on, went with a group of classmates to the cafe to grab some chips and minces, followed by *Nimbu Paani*. In Delhi University, right through graduation, post-graduation and law, the good old University Special was the preferred mode of transport. The All route DTC pass that would cost Rs.12.50 paise per month, made local travel comfortable. We would trudge down to Patel Chest or Maurice Nagar Bus Stops to catch a U-Special and return home. On some days, a Ladies special that would halt outside my College at around 12 o'clock, would drop us at Connaught Place where my friends and I stopped for a quick bite at the good old Nirula's before heading home. Birthday treats with friends meant a movie, many times at the iconic Cinema Halls in Connaught Place or Chanakya Puri or a meal at Tib Dhab.

5. During my post-graduation days at Delhi University, as a student of history, I had the occasion to step out of town with my college mates as a part of the College History Society trip to historical sites at Aurangabad, Bhubaneswar and Konark. It was a first time for me and a great learning experience. I learnt to rough it out in second tier berths booked in trains, stay in Youth hostels and use the State transport buses for conveyance.

This was in complete contrast to the otherwise well planned and comfortable holidays that our parents would take us to annually.

6. On completing my post-graduation in History, I was in two minds as to the choice of a career. My father was of the firm view that the job of a professor is an ideal choice as it is well respected and has fixed working hours. At that time, as many of my batch mates were busy preparing for the Civil Services Exams, he also felt that I should sit for them. By then, I had secured admission in Law, primarily with the idea that a library card would be handy for preparation of any entrance examination.

7. So joining the legal profession was far from my mind. Besides regularly attending lectures and getting copious case material, our seniors advised us to purchase the much in demand *Dukkies* which we religiously did before sitting for the exams. Seven years in the Delhi University melted away in no time. In the meanwhile, due to the constant pressure of my father, who was keen that I try my hand at the Civil Services Exams, I agreed to do so on the condition that in the event, I did manage to clear the preliminaries, the choice to go ahead and sit for the Main Examination would still be mine. It was a matter of chance that I cleared the

Preliminary Examination. But in my heart, I knew that becoming a bureaucrat wasn't on top of the list. At the same time, I wasn't still sure of my choice of career on completing the law course.

8. Pausing here for a moment, my mother, who has always been a voracious reader and inculcated the same habit in her children, was at that point in time, devouring detective novels and court room dramas, penned by the American lawyer and famous author, Earl Stanley Gardner. Enamoured by what she perceived would be a promising career, she was more than willing to support me when I elected law as a profession. My father was not too impressed by my decision and cautioned me that nobody in the family had ever seen a court room from within, what to speak of litigation and if this was to be my choice of career, I would be entirely on my own. Not deterred by that and encouraged by my mother, I joined the profession in the year 1984. Thus started the second phase of my life.

9. Armed with a reference, I joined the chambers of Justice Sunanda Bhandare, who within the same month, was elevated as a Judge of this Court. She and her husband, Mr. Murli Bhandare, Senior Advocate

suggested that I work with a lawyer who had a large practice for me to learn the ropes. They referred me to Mr.Y.K. Sabharwal, who went on to become the Chief Justice of India. Besides a large private practice, he was also the Standing Counsel (Civil), Govt. of NCT of Delhi and a Central Government Standing Counsel. So there was a long list of cases that was prepared every day and divided amongst us juniors. To start with, we were asked to appear before the Deputy Registrars and argue miscellaneous applications, inspect court files and prepare notes of fresh Briefs. I remember rushing from one court room to the other, attending to the matters assigned to me for the day and simultaneously updating our senior as to the status of cases called in different courts. Those were not days when there was an electronic display Board, which has made life easy. The telephones in the Bar Room on the ground floor and second floor were always handy for an SOS situation.

10. When I joined the chambers of Mr. Sabharwal, he had just been elected as the President of the High Court Bar Association. It was fascinating to see the day long hustle and bustle in his chamber. Immediately after finishing court work, we would return to the chamber to

find a queue of officers from different Departments waiting in the passage to brief him as also members of the Executive wanting to discuss issues related to the Bar. Mr. S.P. Puri, Mr. Ravinder Sethi, Mr. D.C. Mathur and many other Senior Advocates would often drop by. In less than two years of my joining his office, Mr. Sabharwal was elevated as a Judge of this Court and with his reference, I joined the chambers of Mr. Vijender Jain with whom I worked till his elevation as a Judge of this Court. He treated his juniors as part of the family and afforded us several opportunities to appear in court and argue matters. On his elevation, I decided that it was high time I became independent.

11. Our peers at the Bar were extremely helpful and one wouldn't hesitate in rushing to them for any kind of guidance. I haven't forgotten that in my early days, during the summer vacations, when a suit was listed on the Original Side before the Vacation Judge and notice was issued, I didn't even know how to fill up the process fee form and had to rush to the neighbouring chamber of Mrs. Usha Kumar, who had helped me in calculating the process fee for affixation on the form. On another occasion, on being appointed as a Local Commissioner for the first time and after

executing the commission, I wasn't sure how the report was to be drafted. It was Mr.M.L. Verma, who had later on adorned the Bench, who came to my rescue and vetted the report. Such warm and generous guidance by seniors in the profession has left an indelible mark and went a long way in honing my skill as a fledgling lawyer.

12. The journey as an independent practicing lawyer had several highs and lows. The lowest ebb was when I lost my father within three months of starting independent practice. It was a traumatic year for my family and me. My father had left a running business that needed attention. My sister had to take over the reigns of my father's business for us to initiate the process of winding up. That's when I realised how tough it can be to wind up a profit making company! I had yet to find my feet in practice. Besides several other pressing issues that landed up at our door overnight due to the demise of my father, the elevation of my senior meant that I had no chamber from where I could operate in the High Court. Fortunately, Mr. S.P. Gupta, Advocate was kind enough to permit me to use his chamber. So a mini office was set up from the dickey of my car where I would keep the files, documents etc. and meet the clients and work from his chamber.

It was ironic that having applied for a chamber sometime in mid eighties, the allotment could mature only in the year 2004. By the time I could do up the interiors and perform my first Diwali Puja in the chamber in the year 2005, my name had been recommended for elevation to the High Court. As a result, I could not sit in the chamber for a single day and moved on with all the dust sheets and covers still intact.

13. The bonhomie and commradie amongst members of the Bar is the most outstanding feature of the Delhi High Court. In between matters, many of us would linger in the canteen to grab a cup of tea or a beverage and chat up. The friends I made in the profession though limited, were lifelong. During the initial years, lunch used to be with friends at a long table in the canteen. After a few years, I and three other friends used to meet over lunch in the chamber of Mr. B.J. Nayar, Advocate on the ground floor of the Old Chamber Block. This included Justice Sanjiv Khanna, Justice Valmiki Mehta and Mr. B.B. Gupta, Senior Advocate. I fondly remember the days when we would stroll down to the kiosks in the parking lot for a cup of tea, coffee or hot *Gulab Jamuns* during winters. It also used to be a favorite spot for soaking in the sun.

14. Weaving my way through the labyrinths of the legal profession, one step at a time, in late 1990's I was appointed as a Standing Counsel for the NDMC and later on, as the Additional Standing Counsel, Govt. of NCT of Delhi. But a practicing lawyer must always remember that working for Government Departments is no doubt a great learning experience, it is equally important to build a private practice. While government practice gives one an unmatched exposure in various jurisdictions and adds to one's stature, it is the private practice that keeps a lawyer afloat financially and helps build a reputation. To strike an even balance between both, is imperative. When I had joined practice, there were only a handful of women lawyers in the High Court. Establishing an independent practice was tough. Clients who are mostly men, gravitate to a male lawyer. However good a woman lawyer may be at her work, she has to work doubly hard to make a mark. That is where the challenge lies. Dedication, discipline, constant updation of law, honest and sincere advise to the clients and carrying the trust of the court are the Hallmark of a good lawyer, whether male or a female. It is just that the benchmark is a notch higher for a woman practitioner vis-a-vis her male counterparts. It is heartening to see that lady lawyers in our court have picked up the gauntlet

and are more than ready to give a healthy competition to their male colleagues.

15. Curtains were drawn on my career as a litigation lawyer in May, 2006 on my elevation as a Judge of this esteemed Court. The third phase of my journey thereafter took a different route. Though a lawyer and a Judge function in the same institution, on crossing over from the Bar to the Bench, one realizes the complete change in the working pattern and life style. Five of us were elevated to the Bench on the same day, Justice Gambhir, Justice Sistani, Justice Muralidhar, Justice Sanghi and myself. As batch mates, we had a great bonding with each other and kept the tradition of hosting a lunch for our colleagues every year, on the day of our elevation. We would also meet separately with families over a cup of tea in the evening. Then came the painful parting, starting with the retirement of Justice Gambhir and recently, of Justice Sistani. From today, Justice Muralidhar and I will also be on a different trajectory.

16. I had the privilege of opening my innings with Dr. Justice M.K. Sharma, who was J1 then and went on to become the Chief Justice of this court. He was strict and a very disciplined Judge. But outside of court, he

was a warm and encouraging senior colleague. I had penned my first few judgments under his guidance and gained a lot from him. Thereafter, I did not get an opportunity to sit in a D.B. on a regular basis with any Senior Judge and continued working as a Single Judge in different jurisdictions, till I came to head a D.B. myself.

17. The most exhilarating moments in the courtroom hover around the cut and thrust of arguments advanced which gives one a high, not just as a lawyer but also as a Judge. The arguments addressed by the best legal brains in the profession open up new avenues of the thought process for the Judge as well and is always an enriching experience. Well written judgments are a testimony to the excellent quality of assistance rendered by the Bar. A special characteristic of our court is the manner in which we all stand by each other in happiness and in grief. There are occasions when fierce arguments are addressed in court, intense questions thrown at the lawyer, followed by heated exchanges. But the moment one steps out, all is forgotten. There is no rancour and no place for bruised egos. In sorrow and rejoicing, the Bar and Bench has always been one and that is the

unique and unparalleled strength of our court. I hope this will never change.

18. I am grateful to Hon'ble the Chief Justice, Justice Patel for all his encouragement. The past one year has been a testing time due to the COVID-19 pandemic and the Lockdown. Be it creating SOP's for running the courts or the Mediation Centre, making drastic changes in the infrastructure of the court complex or adequate arrangements to safeguard the staff, who has been working tirelessly in the backroom for us to discharge our judicial functions, the Chief Justice has given valuable guidance and been ever so helpful. Thank you Sir.

19. The COVID-19 pandemic has helped each one of us evolve in a different manner, internalize and realize how we had complicated our lives and how it can be simplified. It has also brought us closer to our families with whom we have been able to spend quality time while working from home. On a philosophical note, I would say that in a way, the pandemic has made my parting with all of you, a little less painful. The daily meeting and interface with colleagues and lawyers had to necessarily reduce to meeting virtually. It has been months since I could sit over lunch

or a tea celebration with my staff, something that used to happen so frequently. Be it a birthday or a promotion, a wedding or an addition to the family, there was always a reason to arrange an impromptu get-together and spend some fun-filled moments.

20. Similarly, sitting together and chatting with my colleagues post lunch, whether in the Judges' Lounge over a cup of tea during the summers or on the terrace during the winters, munching roasted peanuts and exchanging pleasantries, was so pleasurable. The birthday cakes that were earlier cut in our presence, are still being cut, but we can join in only virtually. The only plus is that now our family members stand besides us while we do the honours from our homes. At the end of the day, we have reinvented ourselves in these unprecedented times, be it by getting tech savvy and functioning in virtual courts or by realizing how precious nature and its bounty is. COVID has left an imprint on all of us in different ways. Even the Farewell Reference and the accompanying ceremonies have been modified and simplified to this virtual platform. But that does not mean that it is any bit less emotional for me, than it would have been, had we

met physically. The feelings run deep and remain the same. The nostalgia is overwhelming.

21. I will be failing in my duty if I did not acknowledge the contribution of my colleagues. I have had the privilege of sharing the Bench with several colleagues over the past few years including Justice Sunil Gaur, Justice Sangita Dhingra, Justice Deepa Sharma, Justice Rekha Palli, Justice Pratiba Rani, Justice Yogesh Khanna, Justice Manoj Ohri, Justice Vinod Goel, Justice Asha Menon and most recently, Justice Subramonium Prasad.

22. My special thanks to Justice Vipin Sanghi, Justice Siddharth Mridul, Justice Manmohan, Justice Endlaw and Justice Midha. Besides the fact that they have been a part of the Administrative Committee, I have enjoyed a special relationship with each one of them which I will cherish. I will always remember the sensitivity of Justice Shakder, the quick wit of Justice Kait, the affection of Justice Mukta Gupta, the smiling face of Justice Jayant Nath, the eloquent silence of Justice Waziri, the enthusiasm of Justice Sanjeev Sachdeva, the shy demeanour of Justice Bakhru, the diligence of Justice V.K. Rao, the respect and regard shown to me by

Justice Anu Malhotra, Justice Yogesh Khanna, Justice Talwant Singh, Justice Rajnish Bhatnagar and Justice Asha Menon. The deep and abiding affection of Justice Rekha Palli, Justice Prathiba Singh, Justice Navin Chawla, Justice Hari Shankar, Justice Prasad, Justice Jyoti Singh, Justice Prateek Jalan, Justice Bhambhani, Justice Sanjeev Narula and Justice Manoj Ohri will stay forever in my heart. I am ever so indebted to them and to all my former colleagues, who I have not named due to paucity of time but with whom I have worked closely on the judicial and administrative side.

23. On this occasion, I express my gratitude to Mr. Manoj Kumar Jain, the Registrar General and his team for going beyond the call of their duty and extending all the support that was required for me to discharge my duties, both on the judicial side and the administrative side. The past few months have been particularly taxing on many of them but they have worked round the clock to ensure that our courts run smoothly. My particular thanks to Ms. Aditi Choudhary, Registrar (Vigilance), Mr. Reetesh Singh, OSD, Mr. Ramesh Chand, Registrar (Writ), Mr. Anil Kaushal, Registrar (Establishment), Mr. Anju Khurana, Registrar (Project

and Planning), Mr. G.R. Grover, Registrar and Mr. Naresh Garg, Joint Registrar, Protocol Branch, Mr. Parveen Kumar Uppal, Registrar (Filing and Listing), Mr. H.K. Arora, Registrar and Mr. Manish Aggarwal, Joint Registrar, Examination Branch, Mr. Sunil Kukreja, Registrar (IT) and his entire team, Mr. Sanjay Sharma and Mr. Krishan Kumar Sharma, Registrars (General Administration) and Mr. D.R.Chaudhary, Dy. Registrar (Medical) and his team.

24. Over the past fifteen years as a Judge, a string of Law Researchers and Interns have worked with me. They have ably assisted me and have contributed their might in helping me discharge my judicial duties, starting with Padma Priya and ending with Utkarsh, Tanvi and Aditya. I am refraining from naming the rest of them as that is an exhaustive list. But I am grateful to them for all that they have done to make my journey comfortable.

25. In discharge of my duties as a Judge, a vital role is played by the staff. Be it the Private Secretary, who handles every little detail related to the Judge and her family or the Court Master, who runs the court, I have been extremely lucky on this count. Most of the staff that was assigned to

me on my elevation, have remained with me till date except for those, who have gone on promotion. My thanks to my previous PS, Mukesh Kumar and my present PS, Shiv Kumar, my previous Court Masters, Mrs. Panwar and Bindraji and my current Court Masters, Uma Ji, Rajeev and Anand, to my Senior Personal Assistants, Nazir and Tarun, my Additional Court Master, Virender, my Restorer, Digambar, my previous Usher, Bhaskar ji, my present Ushers, Ashok and Bhim Singh, my previous driver, Ramesh and my present driver, Ravi, my Court Attendant, Rajender and my PSOs, Sudhir and Sanjay. I would also like to acknowledge the services rendered by my domestic staff including Dalip, Shankar, Bimla and Jai Bhagwan.

26. Last but not the least, is the role of the family that stands rock solid with the Judge. My parents and my sister have been my source of strength. They have silently supported me through my journey and will continue doing so in the future. My mother had devoted her life to rearing her two daughters and running a well oiled home. My sister had to put her career on the backburner to ensure that she was right there for me for each and everything that I needed, from emotional support to spiritual guidance. They have been my pillars of strength. But for them, I could not have

accomplished even one fourth of what I have been able to achieve. They have kept me grounded and in balance over the past years. I thank them from the bottom of my heart.

27. As the curtains drop on my third phase of life as a Judge of this Court, the call of duty beckons me to the State of Telangana. The fond memories of this court, the lawyers and the staff will remain forever etched in my heart. While preparing to don a new role in a new High Court, I shall carry with me, the ethos and culture of this High Court and return to lay a claim on a cup of tea and the delicious snacks offered by the Bar in the canteen at the first available opportunity. In the meantime, permit me to extend an invitation to all of you to visit Hyderabad in the near future. I will be delighted to see you there. A happy new year. Stay blessed and keep safe.

Thank you.