

**SPEECH OF HON'BLE THE CHIEF JUSTICE IN FULL COURT
REFERENCE TO BE HELD ON 12.03.2013 AT 3:00 PM ON THE
SAD DEMISE OF LATE SH. O.P. MALHOTRA, SENIOR ADVOCATE.**

My brother and sister judges, Mr. A.S. Chandhok, learned Additional Solicitor General of India and the President of the Delhi High Court Bar Association, Mr.J.P. Sengh, Vice-President, DHC Bar Asson., Mr. Mohit Mathur, Secretary, DHC Bar Asson., Executive Members of the Delhi High Court Bar Association, Mr.R.S. Goswami, Chairman, Bar Council of Delhi, Mr.Murari Tiwari, Secretary, Bar Council of Delhi, Mr. Najmi Waziri, Standing Counsel, Govt. of NCT of Delhi, learned Members of the Bar, members of the bereaved family, ladies and gentlemen.

We have assembled here today to pay homage to one of the finest and senior members of the Bar namely Late Shri O. P. Malhotra Sr. Advocate.

Shri O.P. Malhotra was an alumnus of Lahore University of Punjab and took up law as a profession in his mid-thirties as a first generation lawyer. He studied law at the Government Law College, Bangalore.

He started his practice in the Bangalore High Court, in the chambers of Mr. Nittoor Srinivas Rao, the then Advocate General of Mysore.

In 1961, he moved to Delhi to start his practice in the Supreme Court of India, where he was subsequently admitted to the chambers of Mr. Motilal Setalvad, the 1st Attorney General of India.

Shri Malhotra appeared in several landmark cases in industrial law, company law and constitutional law in the Apex Court. He also appeared with Mr. Nani Palkivala in the famous Golaknath case.

Shri Malhotra brought out the 1st edition of his commentary on the Law of Industrial Disputes after barely 14 years of practice. Thereafter, he published 5 more editions of this commentary. The commentary was very well received as a work of jurisprudence for its analytical interpretation. This book has been highly commended by the Court of Appeal as well as the Federal Court of Malaysia.

Justice H.L.Anand of the Delhi High Court described Shri Malhotra as having a "colossal background on the subject" in a case reported in ILR (1976) 1 DEL 688. His work continues to be referred by courts and universities all over the country.

He was designated as a Senior Advocate by the Supreme Court and the Delhi High Court in the year 1969^{on 3.12.1969} <on 31.12.1969>

He was then the Senior Central Government Counsel during the seventies in the Delhi High Court and appeared in many important cases for the Union of India.

In 2002, at the age of 82, he brought out the first edition of his commentary on "The Law and Practice of Arbitration and Conciliation". The commentary was well acclaimed both nationally and internationally. This effort at such an age is highly commendable. He brought out the second edition of the book in 2007 when he was 87 years old. The commentary is known for its analysis and interpretation of the arbitration law in India and he also made a comparative study with foreign jurisdictions.

His daughter, Ms. Indu Malhotra, a practicing Senior Advocate in the Supreme Court of India and also the High Court is currently working on the 3rd edition of the book, which is expected to be published later in this year.

Shri Malhotra, of what I have been told and of what I have read, was critical of judicial interference in arbitration matters. He cited three specific instances of what he termed as "Judicial Legislation". Shri Malhotra stands vindicated by the fact that out of the three judgments he referred to, one has already been over-ruled by the Constitution Bench of the Supreme Court in the recent judgment of Bharat Aluminium. He was time and again appointed as an arbitrator in various domestic and international disputes.

He is survived by his four children, of whom three are advocates, including Ms. Indu Malhotra who is a Senior Advocate, not to forget that four of his grandchildren are also advocates practising in the High Court and Supreme Court.

The inevitable happened on 31st January, 2013 and he left for the heavenly abode. Though I did not have the

occasion to interact with him, I have been apprised that he remained a tall man till the end and lived his life with utmost dignity and purpose.

The sad demise of Late Shri. O.P. Malhotra has caused a great loss to his family members and the legal fraternity. I on my own and on behalf of my esteemed colleagues mourn his demise and pray to the almighty to bestow immense strength on the bereaved members of the family to bear the loss.

Rabindranath Tagore has said

“A death is not the extinguishing of a light, but the putting out of the lamp because dawn has come.”

As a mark of respect to the departed soul, we shall observe silence for two minutes.

(The Hon'ble judges will take their respective seats for a moment after the silence, and it will be announced by the Hon'ble the Chief Justice as under)

“As a mark of respect to the departed soul, the court shall remain suspended for the rest of the day”.