

**FAREWELL SPEECH ON THE RETIREMENT OF HON'BLE
MR. JUSTICE RAJIV SAHAI ENDLAW, THE JUDGE OF
DELHI HIGH COURT ON 12.08.2021 AT 3:00 P.M.**

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

Justice Rajiv Sahai Endlaw,

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 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 R. S. Endlaw,

Members of Print and Electronic Media,

Ladies and Gentlemen,

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

Justice Endlaw was born on 13th August, 1959 in Delhi. His father late Shri Ishwar Sahai was a distinguished lawyer and Senior Advocate of this Court, and Justice Endlaw continued the legacy of his father. He completed his schooling from Delhi Public school, Mathura Road and did his graduation from Hans Raj College in Bachelor of Science. Thereafter he completed his Law Degree from Campus Law Centre, Faculty of Law, University of Delhi.

Justice Endlaw enrolled as an Advocate on 26th July, 1982 with the Bar Council of Delhi and thereafter started his legal practice. Initially, he joined a solicitor's firm for three years and thereafter he practised in the Delhi High Court and subordinate Courts mainly on the original side in civil matters and specialized in family law, property law, commercial disputes and Arbitration law.

Justice Endlaw was elevated as an Additional Judge of this Court on 11th April, 2008 and became permanent Judge on 6th July, 2011.

For the growth of this institution, Justice Endlaw has always been willing to take responsibilities beyond judicial work. On the administrative side, Justice Endlaw rendered his valuable assistance being a Member and Chairman of various Committees. He served as a member of Administrative and General Supervision Committee and Medical Committee. He also served as a member of the Committee to look into issues of unauthorized construction in Tis Hazari and Patiala House Court Complexes. He served as the Chairman of Committee to examine the pendency of cases in Delhi High Court and to give suggestions to expedite disposal and also served as Chairman of Court Development and Planning / State Court Management

System Committee. Justice Endlaw also served as Chairman of Rules Committee under Section 123 of CPC which also looks into Delhi High Court (Original Side) Rules, 2018 and ancillary matters and also served as Chairman of the Building Maintenance and Construction Committee (Tis Hazari Court Complex).

Justice Endlaw also served as member of the Governing Council of National Law University, Delhi.

Throughout his distinguished career as a Judge, Justice Endlaw has delivered many landmark judgements, which have immensely contributed towards the growth of procedural and substantive law.

In the case of **Aktiebolaget Volvo v. R. Venkatachalam [160 (2009) DLT 100]**, Justice Endlaw observed that a photocopy or a copy would also be a document and that it cannot be said that the provisions of the CPC for filing of documents necessarily relate to original documents. Justice Endlaw held that a litigant need not file original documents and merely has to give it for inspection to the opposite party at the time of admission/denial of documents and at the time of tendering the document into evidence.

In the Case of **Nand Ram Baghri v. Jai Kishan (Election Petition No 14/2009)**, Justice Endlaw observed that once the High Court has taken care to appoint Judicial Officers as Joint Registrars for recording evidence, there is no room for prejudice which would be suffered by the parties to an Election Petition from recording of evidence by such Joint Registrars. He held that in the matter of recording of evidence, in an Election Petition, the procedure as provided under the CPC for trial of suits shall apply and accordingly, the Joint Registrars who are empowered to record evidence in suits are held empowered to record evidence in an Election Petition also.

In the case of ***Chancellor, Masters & Scholars of University of Oxford v. Rameshwari Photocopy Services*** or the “**The DU Photocopying case**” (2016 SCC OnLine Del 5128), Justice Endlaw observed that Copyright, especially in literary works, is thus not an inevitable, divine, or natural right that confers on authors the absolute ownership of their creations. It is designed rather to stimulate activity and progress in the arts for the intellectual enrichment of the public. Copyright is intended to increase and not to impede the harvest of knowledge. He further observed that the term ‘teacher’ and the word “instruction” in Section 52(1)(i) is not restricted to an individual teacher but extends to educational institutions as a whole and it is not limited to a lecture in the classroom and thus the scope of this provision is not limited to reproduction of a work by a teacher in the course of a lecture but also includes reproduction for the purpose of making and issuing course packs. The photocopying of the same by the defendants for the benefit of the students due to certain resource constraints cannot be said to be infringement when the result/effect of both is the same.

In the case ***Vikram Bahl & Anr. v. Siddhartha Bahl*** (2020 SCC OnLine Del 570) Justice Endlaw held that the rights in favour of the ultimate beneficiary under the mutual Will accrue on the demise of either of the executants and during the lifetime of the other executants of the mutual Will. The beneficiary does not have to wait till the death of both the executants, to enforce his rights. Justice Endlaw while observing that the defendants cannot claim absolute right to the property under Section 14(1) of Hindu Succession Act, 1956, held that Section 14(1) is to be applicable only where the female Hindu is in possession of the property as on the date of commencement of the Hindu Succession Act and not where the female Hindu comes into possession of the property, after the commencement of the said Act.

Justice Endlaw has often been invited to contribute to National and International events and conferences. He was a part of the Expert Committee for the Law Commission of India which in its 253rd report dealt with the Commercial Division and Commercial Appellate Division of High Courts and Commercial Courts Bill, 2015. Justice Endlaw chaired the discussion session on "Enforcement, Due Process and Procedures in Competition Law" at the Third International Competition Law Conference, 2016 which was held under the guidance and support of Competition Appellate Tribunal and Competition Commission of India. Justice Endlaw Chaired the Symposium on "Towards a Regime of Uniform Transnational Commercial Laws and their enforcement in India: Commercial Courts and the way ahead" held at the 2016 UNCITRAL Asia Pacific Day Symposium organised by The Centre for Transnational Commercial Law, National Law University, Delhi.

It was in the 4th Century B.C. when the Greek Philosopher Socrates aptly described the essential of a good judge: "Four things belong to a judge: to hear courteously; to answer wisely; to consider soberly; and to decide impartially." Justice Endlaw possess all these qualities beyond doubt.

During my tenure in this Court, I have found Justice Endlaw to be a sincere, hard-working, punctual and a humane person. As a Judge of this Court, his contribution to the cause of justice will always be remembered and cherished.

Justice Endlaw 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.

I extend my best wishes and congratulate his beloved family members, Wife: *Smt. Menkka Endlaw*, Sons: Mr. *Jai Sahai Endlaw*, who is also a *Practising Advocate* and Mr. *Shivek Sahai Endlaw*.

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

Jai Hind!