

## **Full Court Reference**

**Farewell Speech by Hon'ble Mr. Justice Rakesh Srivastava, Judge, High Court of Judicature at Allahabad, Sitting at Lucknow, delivered on September 28, 2022**

My esteemed brother and sister judges. Shri Rakesh Kumar Chaudhary, President Oudh Bar Association, Shri Ramesh Kumar Singh, Additional Advocate General, Government of U.P., Shri S.B. Pandey, Additional Solicitor General of India, Senior Advocates, Members of the Bar, Members of the Registry, Officers and Staff of the High Court, ladies and gentlemen.

I am deeply touched by the kind words spoken about me today and express my greatest gratitude to all. I am humbled to see that so many of you are here and have considered my farewell worthy of your time. You have borne with me for so many years, both inside and outside the court, please bear with me for another 10 mins.

Of all the presents that this profession has given me, the greatest of all is by far the people I have met along the way and the memories I have created right from my early days as a practicing lawyer to my last day as a judge of this great institution.

Today, I am overwhelmed with bitter sweet emotion as I am standing at this dais, for the last time. While on one hand a part

of me is relieved that I will not have to burn the midnight oil to read the case files from tomorrow and am looking forward to enjoying the freedom that retirement brings along with it, another part of me knows that I am soon going to miss walking in the corridors of this magnificent institution.

My venture into the field of law was completely accidental but I would say that was one of the most beautiful things to have ever happened to me. While my entire maternal side were doctors, my paternal side consisted of engineers, including my father. From a young age I was told to keep a safe distance from lawyers and policemen. I remember when I had just completed class 10<sup>th</sup> and we had to choose subjects in Class 11<sup>th</sup>, I was standing in the line to give my teacher my choice of subjects. At that stage in life, I was greatly influenced by my maternal side and was very clear in my mind that I wanted to become a doctor. When my turn came to choose the subject, I unequivocally told my teacher that I wanted to take up biology. My class teacher was a biology teacher himself and was very happy to have me in his class. After the selection process was done and I was heading on my way back home, I saw my father standing at the gate of the school. I do not remember any other day when he had come to pick me up from school. I remember the conversation quite distinctly. He asked me what subjects I had chosen. I told him biology and his

responsive was “तो फिर इंजीनियर कैसे बनोगे”. He held my hand, took me back to the class teacher and got my subject changed to mathematics from biology. That was the day when my white coat became black.

Few years later, when I was giving my entrance exams, I purposely tanked by engineering exams because I was afraid that if I got selected, my father would insist on me pursuing engineering as a career. I gave law exam against the wishes of my father but I know he would be the proudest today, wherever he is, and his blessings are always with me.

Once I had joined the profession, I began my search for a Senior who I resonated with in my values and under whose guidance I could flourish. I am extremely grateful that I found a mentor in Sh. Umesh Chandra, a doyen of the Oudh Bar. He was a thorough gentleman, a great human being and played a pivotal role in defining my career path. Watching him prepare for cases, argue in court was an extremely enriching experience for me. He has given me lessons, not only in law but also some that shall remain with me throughout my life.

Even after entering the profession, I had never thought or expected to be on this side of the dais. But as destiny would have it and with the support of our legal community, I got the opportunity and privilege to become a judge of this wonderful institution.

I am humbled to have been on the same bench with some of the greatest legal minds and have learnt greatly from my brother and sister

judges. The bonds formed during those sittings, continue till date. I remember my first bench was with Justice Laxmi Kant Mohapatra. I had a great association with him and continue to remain in touch.

I thank my family for always having my back. My greatest regards to my mother, who is present here today, and my Late Father. I am extremely lucky to have had their blessings throughout. My mother has been great support system through thick and thin.

My lovely wife, Sudha, who has been a pillar for me. She has always been there for me to comfort me in my losses and celebrate my wins. As many of you must have experienced too, a lawyer's life has a lot of ups and downs. I am thankful for my wife's unwavering faith and support which made picking myself up from the downs a lot easier.

My elder son Utkarsh, whom I wanted for to become an engineer, and my younger son Harsh who never wanted to become a lawyer are both practising law now. While Utkarsh is practising in this Court, Harsh is practising in Delhi. Both of them have been a great source of support and inspiration for me and I am lucky to have them as my children.

I also thank my sister Ritu for her support, love and faith.

I will tell you all a secret today, my wife never wanted to marry a lawyer. But now, most of our dinner table conversations revolve around law and I think my wife deserves a special mention for being

patient with us while we go on with our legal jargon even at dinner table.

I have always had a very good relationship with the Bar. The bar has always supported and assisted me. I always had the blessings of the seniors the support of my colleagues and love and respect of my juniors during my time as a lawyer. These blessings, support, love and respect continued even once I crossed to this side of the dais. I am overwhelmed to have had the support and love of my brother judges as well, some of whom I had rubbed shoulders with as a lawyer. It has been an honour to have shared the bench with each one of you.

Learning is a never-ending process. When I had joined the profession as a young lawyer, I had learned from some of the greatest judges and seniors that this institution has given this country. This learning continued even once I shifted to the bench. In fact, I would say it was more on this side of the bench. It has been my attempt to learn from the senior most of senior advocates and the junior most of the junior lawyers alike and this process of learning still continues. Everyone makes mistakes, I am no exception. It is what you do after making them that defines you. Learn from your mistakes and come back a better lawyer and human being the next day.

No speech or address of mine is complete without addressing the young lawyers of the bar. During my tenure on this side of the dais, I have seen a number of young lawyers turn into excellent counsel. My

advice to young lawyers has always been to work honestly and diligently and success will follow. We see the expensive cars owned by the senior lawyers and begin to wonder when am I going to get that for myself but we seem to overlook the time when those seniors had to cycle their way to court. At times we fail to appreciate the toil and struggle that went behind purchasing that car and fail to see that the car is still polished by the blood and sweat of the seniors every day. But while putting in the toil and effort, do not compromise on your health.

Remember that you all are here to run marathon not sprints and you will only be able to do that if you take the stairs to the top and not the lift. For when you take the lift, the faster the climb the steeper the fall.

To all counsels, as I have always said, fight hard for the rights of your client. Stand your ground firmly even if you are before a difficult bench. But you can stand your ground firmly only when you are thoroughly prepared. Try to convince the judge with the merit of your argument and not the decibel of your voice. Try to understand why is the judge asking you the questions. It is not necessary that it is always because he is not with you. The judge might be trying to direct you to a certain point.

According to me, building a good reputation and having a good conduct is the most important. Never do anything to blemish your

reputation, it is a lot more important than a lot of you would imagine right now.

I remember, one day, when I was very young, during a conversation with my father, I asked him what is the best profession. He told me that first and foremost, one should be a good "human being" and only then can you flourish in whatever profession you pursue. I asked him what did he mean by being a good human and he recited a couplet to me -

“दिलां की रविश ऐसी हो, कि कोई बुरा ना कहे,  
बुरा बुरा कहे तो कहे, कोई भला बुरा न कहे।”

I was deeply moved by these lines and I will tell you all a secret, I always followed this principle and whatever I have achieved today, it is because of this.

Throughout my career, I sternly believed that the justice must not only be seen to be done but should actually be done and while on the bench I have always tried that both parties leave my court satisfied with the verdict and must not feel that they have not been heard. I have tried to pass consent orders wherever possible so that both parties leave the court satisfied. I have always tried to balance the individual right with public interest and tried to assess the impact of my orders and judgment on the society at large. I have always tried to see the litigant behind the lawyer and can say this with a clear conscience that I have not made any decision based on its consequences for me.

I would like to thank my support staff – Anupam Srivastava, Pradeep Singh, Pooja Seth, Vijay Kumar Srivastava, Amrendra Singh, Damini Dubey, Kuber Singh Negi, Tara Shankar Nishad, Prabhu Nath, Satish Kumar Yadav, Chitranjan Verma, Kanchan Singh Yadav, Satendra Singh, Sada Shiv, Sanjay Yadav, Pramod Kumar.

I am also thankful to the Protocol, Accounts and other Sections of this Court for the seamless logistic support extended by them.

As I hang my robes today, I am happy that I have not compromised on any of my principles and if I may quote Frank Sinatra, “I did it my way”.

I am glad that I leave with your love and affection and with a clear conscience. This institution has a glorious past and a bright future. I have tried to contribute to the best of my ability, I hope each of you will continue to do so. While I am glad that I will now find time to rejuvenate my long-lost hobbies and spend more quality time with my family and loved ones, as a student of law, my passion for law is undying and I plan on continuing my association with law even after retirement.

Even though I will not be present physically amongst you daily now, a part of me shall always remain in this great institution. My gates are open to one and all, anytime, any day.



In my 38 years of association with this institution, I have majorly gained 3 things -

- a. Countless cherishable memories,
- b. insurmountable love and respect और
- c. 25 किलो weight, which I hope to shed with more time at hand now.

With this, I bid farewell to this Court.

In light of the aforesaid facts and circumstances and arguments advanced, I put on record a final prayer-

“कोई अच्छे करम किए हों,  
तो उन्हें जरूर याद करें,  
जो भी भूल चूक हुयी हो,  
उसे कृपया माफ करें।”

I hope everyone here finds merit in my prayer and the Judgment on my Petition reads

*“Arguments heard, Petition allowed.”*

**Justice Rakesh Srivastava**