

FAREWELL SPEECH ON THE RETIREMENT OF
JUSTICE INDERMEET KAUR KOCHHAR
21.03.2018

*Justice Gita Mittal,
Acting Chief Justice*

Justice Indermeet Kaur,

My esteemed sister and brother colleagues,

Smt. Maninder Acharya, Additional Solicitor General of India,

Sh. Kirti Uppal, President, Delhi High Court Bar Association,

Sh. J.P. Sengh, Vice- President, Delhi High Court Bar Association,

Sh. Amit Sharma, Secretary, Delhi High Court Bar Association,

Sh. Ramesh Singh, Standing Counsel (Civil), Govt. of NCT Delhi,

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

Other Standing Counsels of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Presidents, Secretary & Office Bearers of all Bar Associations of Delhi,

Presidents, Secretary & Office Bearers of Bar Council of Delhi,

Senior Advocates,

Learned Members of the Bar,

Justice AK Pathak and other family members of Justice Indermeet Kaur,

And everyone present

1. We have assembled here to bid farewell to Justice Indermeet Kaur upon her retirement from an illustrious career.

2. Born on 22nd March, 1956, Justice Indermeet Kaur completed her schooling from Mater Dei Convent School, Delhi. After graduating in Psychology (Hons.) with a scholarship from the prestigious Lady Shri Ram College in Delhi, Justice Kaur obtained her LLB and LLM Degrees from the Campus Law Centre, University of Delhi where she was also awarded the Gold Medal for excellence.

3. On 16th February 1984, Justice Indermeet Kaur joined the Bar and commenced, what became an illustrious practice before the Supreme Court of India, the Delhi High Court, and the District Courts of Delhi. She was selected for the coveted Delhi Higher Judicial Services in the year 1995. In her noteworthy journey as an officer of the DHJS, apart from regular criminal and civil courts, she presided over as Special Judge in several critical jurisdictions including NDPS, Matrimonial cases and CBI. She was also the Legal Advisor to the New Delhi Municipal Council. She then served as District Judge, Patiala House Courts from November, 2008.

4. On the 14th of May, 2009, Justice Indermeet Kaur was elevated to the Bench of the Delhi High Court as an Additional Judge. She was made

a permanent judge on 12th April, 2013.

5. Justice Indermeet Kaur has always been acknowledged for being pleasant yet forthright and an upfront person. She is also an outstanding and hard working judge known for giving a patient hearing to everyone, which reflects in her landmark judgments. This has also resulted in deep admiration, abounding affection and respect from the members of the Bar.

6. On the administrative side, Justice Indermeet Kaur served as a Member and also chaired several committees of the Delhi High Court including amongst others the Library Committee, Examination-cum-Judicial Education Committee, Purchase Committee, Committee against sexual harassment at the workplace, Building Maintenance Committee of the Rohini Courts, Building Maintenance Committee of the Family Courts complexes, the Committee to look into Sensitization of Family Courts. She served as the Chairperson of the committee to monitor the living conditions in the Nirmal Chhaya Home for Girls as well as the committee dealing with matters relating to officers of the subordinate judiciary. Justice Indermeet Kaur, served as a member and later Vice-Chairperson of the overseeing committee of the Delhi International Arbitration Centre, which has gained immensely from her visionary

approach and institutional guidance, and has emerged as a premier choice for commercial Arbitration in India.

7. Justice Indermeet Kaur has thus shown constant and resolute commitment to institutional development on the administrative side of this court.

8. On the judicial side, Justice Indermeet Kaur dealt with several sensitive questions of law, which came to be the subject of well-crafted judgments by her.

9. In *State Trading Corporation of India v. State Bank of India*, while speaking for a Division Bench of this court, she held that a wrong payment made by the State Bank of India to the State Trading Corporation amounted to a debt within the meaning of Section 2(g) of the Recovery of Debts Due to Banks and Financial Institutions Act.

10. In *Royal Nepal Airlines Corporation v. Shrishti Properties*, she held that sovereign immunity was not available to the tenant, which was a state owned concern of the Nepal Government on account of Section 86 of the CPC as it was a commercial transaction and the doctrine of sovereign immunity did not extend to such a transaction. She further held that the defences raised seeking leave to defend were sham and dismissed the petition.

11. In *Toyota v. Deepak Mangal*, Justice Kaur expounded on the fetters imposed by Section 30 of the Trade Marks Act on Section 29 therein and held that a trademark is not infringed where its use by another is not unfair and is used only to indicate the kind, quality and quantity of the goods.

12. In *Rajkumar Devraj v. Jai Mahal Hotels*, she held that it was the nature of the allegations made in each case which would ascertain as to whether rectification was permissible by the Company Law Board under Section 111 of the Companies Act or not. It was only where fraud or forgery was alleged and prima facie established, that the issue would go beyond the Company judge and would have to be decided by a civil forum. The judgment was later upheld by the Supreme Court of India.

13. In *Abhinav Pandey v. Guru Gobind Singh Indraprastha University*, Justice Kaur directed awarding of a Gold Medal to the petitioner, who otherwise had graduated the university with the highest marks, but was precluded from consideration having missed two exams on account of illness in a previous semester and had cleared those papers only subsequently.

14. The list of the fine judgments authored by Justice Indermeet Kaur speaks for itself about the dedication with which she carried on her

constitutional duty while remaining conscious of the social realities.

15. The duty of the courts is to do justice while exhibiting fairness, respect and dignity to the people who come before it. A judge is the fulcrum, on which our entire justice system balances, which in turn is the cornerstone of a democratic nation.

16. Justice Indermeet Kaur has rendered all possible assistance that the institution & litigant expects from a Judge in discharging her constitutional obligations. Justice Indermeet Kaur shall be remembered for her positive support in all court related activities as well as the discipline she maintained on and off the Bench.

17. She has always exhibited a paramount standard of ethical conduct that has stood out.

18. Rule of law is shaped on the anvil of quality judges like Justice Indermeet Kaur, who are the guardians of the Constitution.

19. Justice Kaur readily endeared herself to all her peers & formed lasting friendships with all of us. As she prepares to depart from this court, I have to say that we will miss Justice Indermeet Kaur deeply. At the end, therefore, I would only like to quote Mahatma Gandhi who said *"There are no goodbyes for us. Wherever you are, you will always be in our hearts."*

20. I also take this opportunity to congratulate Justice Indermeet Kaur for her very recent nomination as a member of the Mahanadi Water Tribunal and wish added strength to her pen. We wish her good health and deep contentment with her accomplishments.

21. As she parts from our Bench, on behalf of my colleagues and myself, I convey our best wishes to Justice Kaur.

Thank you.
