

**FULL COURT REFERENCE HELD ON 07<sup>th</sup> APRIL, 2022**  
**AT 3:45 P.M. ON THE SAD DEMISE OF JUSTICE**  
**RAJENDRA NATH AGGARWAL AND JUSTICE ARUN B.**  
**SAHARYA {FORMER JUDGES OF THIS COURT}**

My Esteemed Sister and Brother Judges;

Mr. Chetan Sharma, Additional Solicitor General of India;

Mr. Rakesh Sherawat, Chairman, Bar Council of Delhi;

Mr. Mohit Mathur, President, Delhi High Court Bar Association;

Mr. Jatan Singh, Vice President, Delhi High Court Bar Association;

Mr. Abhijat, Secretary, Delhi High Court Bar Association;

Mr. Santosh Kumar 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 District Bar Associations;

Senior Advocates;

Members of the Bar;

Family members of Late Justice Rajendra Nath Aggarwal,

Family members of Late Justice Arun B. Saharya,

Ladies and Gentlemen

*It is with immense sense of sadness that we have assembled today to condole the sad demise of Mr. Justice Rajendra Nath Aggarwal, former Chief Justice of this Court, and Mr. Justice Arun B. Saharya, former Judge of this Court and former Chief Justice of Punjab and Haryana High Court.*

Justice R. N. Aggarwal was born on 21<sup>st</sup> August 1925. He did his Matriculation from Punjab University, Lahore and graduation from Government College, Lahore. He completed his LLB degree from Law College, Lahore and Shimla. He enrolled as an Advocate of the East Punjab High Court at Shimla, on 19<sup>th</sup> April, 1951.

He started practicing law at Shimla and Chandigarh. Later, he was appointed as a District & Sessions Judge from the Bar in September, 1963 and worked diligently and competently as Addl. District & Sessions Judge at Gurdaspur, Amritsar and at Delhi and, as a District & Sessions Judge at Mahasu, Kinnaur, Simla, Bilaspur and Sirmour. He was appointed to the Delhi Higher Judicial Service on 17<sup>th</sup> May, 1971. He worked as Registrar, Delhi High Court from 09.03.1971 to 08.06.1971, and was appointed as an Additional Judge of the Delhi High Court on 7<sup>th</sup> March, 1972.

During his tenure as an Additional Judge of the Delhi High Court, he was fiercely neutral and courageous. He did not succumb to any pressure, and upheld the fundamental rights of the citizens during emergency, without ruminating about his career. During the emergency, sometime in July 1976, senior journalist Mr. Kuldip Nayyar, father of Mr. Rajiv Nayyar, Senior Advocate, was detained. His wife filed a habeas corpus petition in this Court, which was dealt with by the bench comprising of Mr. Justice S. I. Ranganjan and Justice R.N. Aggarwal. The Division Bench allowed the writ petition and declared the detention of Mr. Kuldip Nayyar illegal. This did not go down well with the Government of the day. Justice Ranganjan was transferred to Gauhati, while Justice Aggarwal was not confirmed, and stood reverted to the post of District & Sessions Judge. This did not discourage Justice R.N. Aggarwal from continuing to discharge his duties with the same sense of honesty and enthusiasm. Only after the installation of a new Government at the Centre, Justice Aggarwal was appointed a permanent Judge of the Delhi High Court on 7<sup>th</sup> July, 1977, and his seniority was restored accordingly.

After a little over a decade, he was appointed as the Chief Justice of the Delhi High Court on 16<sup>th</sup> August 1987, till his retirement on 21<sup>st</sup> August 1987.

I joined the Bar in the middle of 1986, and I can recollect seeing him adoring Court No.2 for most of the time. He was very pleasant in his demeanour and courteous towards the members of the bar.

Mr. Justice Deepak Gupta, retired Judge, Supreme Court of India paid his tribute to Justice R.N. Aggarwal in a beautifully authored article with the caption, and I quote: “***THE JUDGE WHO SAID NO***. Justice R.N. Aggarwal stood up for liberties of citizens during emergency.” In his article, he writes, and I quote:

*“My father died when I was 13 and my two brothers were aged nine and one. Justice Aggarwal, or Jindi Uncle as we called him, was a pillar of strength and support to us and a father figure to me. He was a bachelor but devoted to his family and friends. He took great care of his parents, siblings, friends and their children. He was one of the most gentle and unassuming souls I have known. Even after all that he*

*had suffered, he had no rancour and held no grudge against anyone. He was extremely calm and humble. He held the office of the judge lightly. Every morning, he would go to the market to buy fruit. He loved the mountains and our family looked forward to his frequent visits to Shimla. He would take us for long drives, picnics and to restaurants.” Unquote.*

Even after his retirement Justice R.N. Aggarwal continued serving justice to the people and was appointed as the first Lokayukta of Delhi in 1997, which post he held till December 2002. He was also appointed as Chairman of a Committee constituted by the Hon’ble Supreme Court in 2004. Justice R.N. Aggarwal also served as an Arbitrator in number of matters. He settled down in his family house at Chandigarh. Today Justice Aggarwal is dearly remembered not just for his service as a Judge, but also as a person of high ethics and moral courage. He is an example of a judge who never got influenced by exterior social environment. His impartiality, integrity, competence and diligent approach in dealing with matters will always be remembered.

Justice Rajendra Nath Aggarwal left for his heavenly abode on 6<sup>th</sup> June, 2021 at the age of 95. Justice R.N. Aggarwal was a bachelor, and is survived by his younger brother Mr. Nripendra Nath Aggarwal, his sister-in-law Mrs. Kiran Aggarwal IAS (Retd.) wife of Justice Aggarwal's youngest brother Late Shri. B.N. Aggarwal, Advocate of Punjab & Haryana High Court and, his nephew and nieces. His sad demise has created a void not just for his family and friends, but for the entire legal fraternity at large.

I, on behalf of my Sister and Brother Judges and also on my own behalf, convey our heartfelt condolences to the members of the bereaved family and pray to almighty to give them strength to bear this irreparable loss. May the Almighty bestow peace upon the departed soul.

\* \* \* \* \*

We have also assembled here to condole the passing away of Justice Arun Bahadur Saharya. Justice Saharya was born on 15<sup>th</sup> September, 1940 in Delhi, in a distinguished educationist family. He had his schooling from Cambridge School, Delhi and did his

Graduation from St. Stephen's College, University of Delhi. He earned his LL.B. degree from University of Delhi, following in the footsteps of his father, Late Shri. Sardar Bahadur Saharya, a distinguished lawyer. He enrolled as an Advocate of the Mysore State Bar Council in October, 1963, and later enrolled with the Delhi Bar Council in August, 1965.

He had started practice in the Chamber of Hon'ble Justice Prakash Narian, former Chief Justice of this Court, who was a senior advocate at that time. When he started his independent practice, he was appointed a Central Government Standing Counsel for the Union of India. He was engaged by several Statutory Bodies while in practice, and did a lot of private work.

He was designated as a Senior Advocate by the Delhi High Court on 19.11.1984. There were not many who could match his brilliance in court. He was witty and was always ready with an answer to any question thrown at him. He was always courteous in Court. His conduct, both in his public life and private life, was a lesson in grace and etiquette. He was an outstanding Senior Advocate who made a great name for himself at the Bar and stood

out as a perfectionist. He worked very hard and was very thorough with his briefs.

He was a great mentor to his juniors. He encouraged them to think systematically and logically when approaching a case. He would take his juniors out for lunch after winning an important case. He was a guide who took exceptional interest in the growth of his juniors, and was a fine human being.

While having a roaring practice in this Court, he accepted the call of duty and he was appointed as a permanent Judge of the Delhi High Court on 24.04.1986, and after serving for over 11 long years, he was elevated as the Chief Justice of the Punjab & Haryana High Court on 07.11.1997, where he served the third longest term as a Chief Justice of Punjab and Haryana High Court, from 07.11.1997 to 14.09.2002.

Justice Saharya was the epitome of propriety and uprightness in all walks of life. He had a great sense of humour, which was subtle and understated, much like his personality.



On a personal note, Justice Saharya was a good friend of my father late Mr. G.L. Sanghi and regarded him as his elder brother. We were neighbours in Neeti Bagh – his house being diagonally opposite ours. When Mr. G.L. Sanghi passed away overseas, without our family asking for any assistance, he, on his own was present at the airport with full Protocol services of the Delhi High Court arranged, to receive his remains.

He was appointed as Chairman of the POTA Review Committee formed by the then Government, and he also headed the Saharya Commission, appointed by the Supreme Court to look into the financial irregularities by the CMDs of Banks, and other bank officials. After finishing the said engagement, he re-started his practice as Senior Advocate in the Supreme Court of India. He also conducted Arbitration matters and was known for concluding the proceedings and passing awards in the shortest possible time.

He was also actively involved in judicial training and lectured Judges in Delhi and Chandigarh Judicial Academies.

In his personal life, he was a loving and caring man and never let his professional life have any reflection to his personal life. He was a nature lover, and looked for any vacation to drive up to the Hills with his family. Post retirement, he also spent a lot of time reading books and kept himself abreast with latest judicial pronouncements and development in law.

He was married to Smt. Prabha Saharya, who died on 15.03.2020, and is survived by his brother Shri. Vishnu B. Saharya, his nephews Advocate Vivek B. Saharya and Advocate Viresh B. Saharya, and their families.

Justice Arun B. Saharya left for the heavenly abode on 20<sup>th</sup> May, 2021. For the last two years of his life, he was hospitalised for his heart and lung ailments and died in Delhi due to Covid-19 complications, at the age of 80. With the passing of Justice Arun B. Saharya, the judicial profession has been left poorer as one of its most prolific minds has moved on to his heavenly abode.

I, on behalf of my Sister and Brother Judges, and also on my own behalf convey our heartfelt condolences to the members of the

bereaved family and pray to almighty to give them strength to bear this irreparable loss. May the almighty bestow peace to the departed soul.

**(AFTER REFERENCE BY LAWYERS IS OVER)**

As a mark of respect to the departed souls, we shall now 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 Hon'ble the Acting Chief Justice as under).

“As a mark of respect to the departed souls, the working in the Court is adjourned for the rest of the day.