

Speech of Shri M.S. Usgaonkar, Senior Advocate, in respect of Full Court Reference of late Justice G.D. Kamat, Former Chief Justice of Gujarat High Court held on 31/03/2015

Honourable Shri Justice F.M. Reis, Honourable Justices M. S. Sanklecha, C. V. Bhadang, K.L. Wadane, Former Judges of this Court, Advocate General Shri A.N.S. Nadkarni, my esteemed colleagues, President of the High Court Bar Association, the Members of the Executive Committee of the Association, and Members of Bar, Mrs. Kamat, and members of Justice Kamat's family. Ladies and Gentlemen.

Initially, we had a Bombay High Court Bench at Goa in replacement of Judicial Commissioner's Court. Since 30th May, 1987 Goa became State. Only in the year 1987, it became a fulfilled High Court of Bombay and Goa. At the beginning in 1982, Justice Dr. G.F. Couto was appointed on the Bench at Goa and the Visiting Judge from Bombay was Justice Rege. The Bar at Goa was of the view that, having the first vacancy being filled up from Member of Judiciary, the subsequent vacancy should be filled up from amongst the Members of the Bar. At the relevant time, Justice Chandurkar

was the Chief Justice. The Bar at Goa was very happy because our proposal was accepted by appointing Shri Justice G.D. Kamat as the Member of the Bench at Goa. This was a great moment of happiness for the Members of the Bar at Goa. Later on all of us were proud to know that Shri Justice G.D. Kamat was appointed as the Chief Justice of Gujarat High Court. That is not all.

There is one more aspect which requires special mention. The Indian Civil Procedure Code was extended to Goa with effect from 15th June, 1966 in replacement of the Portuguese Civil Procedure Code in force in Goa.

At the relevant time, Shri Justice Tito Menezes was the Judge of the Judicial Commissioner's Court. He delivered a judgment holding that inventory proceedings not being suits they are saved and the Indian Civil Procedure Code would not apply to the same. Again, thereafter, Mr. Justice A.R. Mishra, who was another Member of the Judicial Commissioner's Court, decided the issue of filing of appeals under Section 104 of C.P.C.. There was also one more judgment of Shri Justice Couto, Judicial Commissioner

as he then was, on the applicability of the Portuguese Civil Procedure Code to the pending matters.

It needs to be specially mentioned here that Justice G.D. Kamat delivered a judgment in the case of Zacarias Durate Domingos Pereira vs. Camilo Inacio Evaristo Pereira, AIR 1984 Bombay 295, taking into consideration the views of Three Judicial Commissioner's Court referred to hereinbefore. Though he was not familiar with the Portuguese law, after hearing the arguments, and on detailed analysis of the provisions of Indian Civil Procedure Code, and Portuguese Civil Procedure Code as well, held that the provisions of the Portuguese Civil Procedure Code of the general part are saved and, therefore, applicable to inventory. It was a very important judgment in the matter of conflict of laws.

Justice Kamat is no more with us. However, his memories throughout would remain with all the Members of Bar of Goa, because whenever we have to deal with inventory matters, we would definitely remember him because of his lucid analysis and exposition under comparative law in the aforesaid case. This is one of the best tributes in his memory.

I extend to Mrs. Kamat and to his son, Ninad, and to his daughter, Mrs. Natasha and all the other members of his family, my heartfelt condolences in their hour of sorrow. May the departed soul rest in peace.
