The High Court completed one century of its glorious existence in 1966. The occasion was celebrated with great fanfare. Commemoration volumes were published bringing out the history of the Court, the glorious past of its Judges and Lawyers and the changes that took place within that one century.

In 1966, Mr. H.K. Ghosh was the President of the Avadh Bar Association and he had given the History of the Court in Avadh from 1856 AD till 1966 in an article published in the Commemoration Volume of the centenary celebration. It is now on the completion of the first quarter of the bi-century that I am covering in this article the history of the Lucknow bench of the High Court. Certain important facts pertaining to the precentenary era had escaped Mr. Ghosh's attention, which too I have tried to include in this article.

The highest Court in Oudh (now called Avadh) consisting of 12 districts was established in 1856 with a judicial Commissioner presiding over it. Later on it was succeeded by the Chief Court at Oudh in the year 1925. The Chief Court had jurisdiction over the 12 districts of Avadh and also enjoyed original jurisdiction in cases of a valuation of over Rs. 5 lakhs. The original jurisdiction however was curtailed in the year 1937 by the Government of India (Adaptation of Indian Laws) order, 1937.

There was one class of litigation in the Judicial Commissioner's Court and thereafter in the Chief Court of Oudh which was unique in the whole of India, which pertained to cases of succession arising under the Oudh Estates Act, 1869, which were popularly known as 'Taluqa cases'. These cases were well paying and eminent lawyers from all over the country were attracted to appear in these cases. From the neighbouring Allahabad High Court, Sir Tej Bahadur Sapru and Mr. Pearay Lal Banerji were in much demand. Sir Rash Behari Ghosh from Calcutta, Mr. Mohammad Ali Jinnah from Bombay, and Sir Ali Imam from Patna had all appeared in Lucknow Courts in Taluqa Cases.

The history of Taluqdari is that after the re-occupation of Oudh by the British in 1858 after the mutiny, the policy of the British Government was to create a class of loyal landholders who were like the Barons in England. They were treated as landlords and were in common parlance referred to as "Rajahs". These rajahs, like zamindars collected revenue for the Government. They were loyal to the British because there status was pampered. The Oudh Estates Act, 1869 was promulgated to define the rights of these Taluqdaras.

The Oudh Estates Act (1 of 1869) made a special provision for succession. The "Taluqa" devolved on a single heir by primogeniture. The other members of the family were entitled to maintainance and were known as "Guzaredars". The estate could be transferred by bequest, for which a special procedure was prescribed. Even in cases of succession by the eldest son, preference was given to the son who was "najibultarfain", that is of good family from both sides. Adoption was permitted in the case of Muslim Taluqdaras by applying principles akin to those of the Hindu Law of Adoption. This Act proved a veritable apple of discord and gave rise to a plethora of litigation and hardly any estate in Oudh escaped expensive litigation. It proved to be a gold mine for lawyers practising in the Judicial Commissioner's Court and later in the Chief Court of Oudh.

On account of the provisions of the said Act, bristling with technicalities, even to draft a plaint or a written statement required great skill and knowledge, not only of the Act and the Common Law, but also of the vast plethora of cases. It is said that in some of the Taluqa cases, a fee of about Rupees One lakh was paid in those days for drafting a plaint. Since the term 'estate' itself had been the subject matter of conflicting opinions, emphasis was laid on possession and entries in revenue records while drafting a plaint. Often some preliminary litigation was necessary to get various records corrected before the filing of the Taluqa case for which a large number of junior lawyers were engaged.

When I joined the Bar in 1952 Taluqa cases were almost finished. The Sasendi Estate case arising out of an Execution Decree Appeal had been remanded with some directions by the Privy Council. The original jurisdiction of the High Court had been abolished by then and the case was sent to the Court of the Civil Judge, Lucknow. Mr. Jai Shanker Trivedi (who has since retired as a Judge of this High Court and is the father of Mr. Justice D.K. Trivedi) was appearing for Raja Vijai Kumar of Sasendi. With the consent of parties I was appointed Receiver of Sasendi Raj in pursuance to the directions of the Privy Council and the Supreme Court under the Enlargement of Jurisdiction Act.

One of the lawyers who those days who had a vast practice in Taluqa cases was Mr. Mohammad Wazim. He was a Barrister and had inherited a large practice from his father, Mr. Mohammad Naseem. There was hardly any Taluqa case in which he was not engaged from one or the other side. He became the second Advocate General of Uttar Pradesh. At the time of the Partition of the country he migrated to Pakistan, and was the first Advocate General of Pakistan. His son, Mr. MC Shameem was a Reader in law in the University of Lucknow. He became Pakistan's High Court Commissioner to Australia. Mr. Waseem's grandson retired as Chief Justice of Pakistan.

Babu Ram Chandra, Rai Sahab, had also a very large Taluqa practice. His son, Mr. Hardhyan Chandra was a very intelligent and able lawyer, but he died early. Sir Bisheshwar Nath Srivastava was junior of Babu Ram Chandra and had a roaring practice when he became a Judge of the Oudh Chief Court in the year 1928. He became the Chief Judge in 1936 and died in July 1938.

Syed Wazir Hasan (later on Sir Wazir Hasan) was a practitioner in the Judicial Commissioner's Court. He had incisive intelligence and great knowledge and ability. He also had a large volume of work and was the first Indian member of the Oudh Bar Association to be elevated as Additional Judicial Commissioner in 1921. He continued as such till the Oudh Chief Court came into being in 1925, and he became a Justice
of the Court. His judgments spoke volumes of his erudition and it is said that none of his judgements were ever upset by the Privy Council. He became the Chief Judge of the Chief Court in 1930 and retired in 1934. After retirement he shifted to Allahabad to practice. He lived like any Taluqdar, and in later life dabbled in politics.

His son Mr. Ali Zaheer was a barrister who had a very large practice in the Chief Court of Oudh. He had a varied life, intimately connected with public life. Mr. Ali Zaheer was an elected Municipal Commissioner and thereafter a member of the Uttar Pradesh legislature. In 1946 when the interim government for India was constituted, he was the Law Minister in Jawaharlal Nehru's cabinet. Later on Mr. Ali Zaheer became India's ambassador to Iran. On return from Iran he resumed his practice for a short while and again became the Law Minister of Uttar Pradesh for two terms.

Chaudhry Niamat Ullah was not only practising as a Taluqa lawyer but also as an expert civil lawyer. He had no political aspirations, but he became a member of the UP Legislative council from 1926 to 1928. Although he was a practitioner of the Oudh Chief Court, he was appointed a Judge of the Allahabad High Court from where he retired in 1937. His name was proposed for the Judicial Committee of the Privy Council, but he did not accept it as he wished to stay in Lucknow, and resume his practice. Many complicated cases of those days were argued by him with great clarity and erudition. He remained President of the Oudh Bar Association for a number of years till his death.

On the criminal side, Mr. George Jackson and Pt Jagat Narain had a very large practice. The latter was known for marshalling facts of the case so well that by logical rearrangement of the same like a jig saw puzzle he turned the tables in his favour. Two of his sons became Judges of this High Court, Mr. Tej Narain Mulla at Allahabad and Mr. Anand Narain Mulla at Lucknow. After these two leading criminal lawyers, Dr. Jai Karan Nath Misra and Mr. R.F. Bahadurji held the field. Dr. Misra was a Barrister and was the brother of Mr. Gokaran Nath Misra, who had a very large practice on the civil side. He was a forward looking person and was much influenced and impressed by western education. He sent seven members of his family (his brothers and nephews) to England to be called to the Bar. Later on he became a Judge of the Oudh Chief Court. He died in 1929. Dr. Jai Karan Nath Misra was a silver tongued lawyer who had an excellent command over the language. Moreover, he was an extremely persuasive speaker.

Mr. RF Bahadurji was a Parsi Barrister who had started his practice at Bombay, but soon shifted to Lucknow, the city which he visited and fell in love with. He established himself as a leading lawyer on the criminal side. Philanthropist that he was, every Sunday a huge crowd of beggars collected in his front lawn, and after his morning prayers he used to distribute alms to them. My father, Mr. Daya Narain Mathur who is still a practising advocate, had worked with him as a junior and thus had a good rapport with him. It was in 1946 or thereabout when I was a student in college that he sent for me. I wondered why he was calling me. When I reached his bungalow, met him in the huge front verandah where he spent most of his time. He told me that he was going abroad for a month and he wanted me to do a little errand for him. I was asked to distribute alms to the beggars every Sunday morning during his absence. It was like a weekly distribution of wages. Mr. Bahadurji, it appears had instructed his butler to assist me and while the butler identified the beggar by name, I paid the amount of money mentioned in the list supplied to me. What touched me most was that Mr. Bahadurji had left with me some closed envelopes containing money for respectable persons in straitened circumstances who were helped by him without anyone knowing it.

Mr. Bahadurji, affectionately called “Papa” by everyone, went out of his way to help juniors. He was a grand old man who carried himself with great dignity. He remained the President of the Avadh Bar Association for a number of years until his death in the year 1951. He was succeeded by Chowdhry Niamat Ullah as the unanimously elected President of the Bar.

Mr. H.G. Walford was also a Barrister practising on the criminal side. He had a large practice and had great insight into him an behaviour which helped him to win cases on common sense arguments. He was elevated as a Judge of the Court in July 1946, but he resigned in 1948 after independence. He was planning to settle down in England, but he was over taken by serious illness and died thereafter.

During that very period, a decade before independence, the civil side had many eminent lawyers like Sir Ghulam Hasan Butt, Chaudhri Ram Bharose Lal, Chaudhuri Haider Husain and Mr. If tikar Husain. Sir Ghulam Hasan Butt had built up a lucrative practice. Socially very active, Sir Ghulam Hasan lived in great style in a sprawling bungalow now known as American Library (which now houses the Family Court. A brilliant Judge, he was the Senior Judge of the Lucknow Bench in 1951. He died in the court room while hearing a case.

Chaudhri Haider Husain was a leading figure in the Court. He was a barrister and had a large volume of work, civil as well as taluqa cases. He had combined the East with the West in his style of living - he wore Saville Row tailored suits and at times a “Lucknowi Angarkha”. With his busy schedule, he could find time for teaching Law in the University and also take part in politics. For two terms he was a member of Parliament. He was a social figure both in Lucknow as well as in Mussoorie where he spent his vacations.
Chaudhri Ram Bharose Lal was an industrious lawyer and always cited rulings with a sense of history of the changes undergone in the law concerning his case. He was long winded, but in those days the Courts had more time than today to leisurely proceed with the case.

Mr. Moti Lal Tilhari was also of the same school, and prepared his briefs very diligently. All possible case law was ready with him. Now his son Sri Hari Nath Tilhari is practising and maintaining the same tradition of not only citing law but also the genesis of law. It is commendable because every case then becomes a research subject into past law and its ramifications.

Once Mr. Ram Lal Anand, an eminent lawyer from Delhi, who had practised in the Lahore High Court (before Partition) as well as the Punjab & Haryana High Court as also the Supreme Court appeared in Lucknow before a Bench of Mr. A.N. Mulla and Mr. B.N. Nigam, JJ. He visited the Oudh Bar Association and told the members that in his experience of several Courts he found the Bench of Mulla and Nigam, JJ to be a unique Bench which was mettle testing for a criminal lawyer.

After retirement, Mr. A.N. Mulla contested and won the Lok Sabha seat from Lucknow as an independent candidate. He was subsequently nominated for one term to the Rajya Sabha. At the age of almost 90, he is a very busy Advocate and lives in Delhi.

Mr. Justice B.N. Nigam was an I.C.S. officer and worked his way up to the High Court as a Judge and became the Senior Judge after Mr. Mulka. We always thought that he had some extra sensory keen eye, because he knew about all the lawyers practising in the Court. He glanced through the files very casually, but nothing escaped his notice. He was rigid in his views and he belonged to the old school for whom the Civil Procedure Code was the Bible. Though he had a stern exterior, he was a very considerate and kind person. Every year he invited all the members of the Bar to a lavish tea party and personally looked after all the guests.

On the civil side, Sir Iqbal Ahmad, had a very large practice after the death of Chaudhri Niamat Ullah. He had retired as Chief Justice of Allahabad High Court before the amalgamation and had set up his practice at Lucknow. A shrewd lawyer and a case winner, Sir Iqbal knew how to highlight the main points in a case and score a victory.

Mr. S.C. Das, Barrister at Law, started his practice at Calcutta but shifted to Lucknow and started practice under the guidance of Late Mr. A.P. Sen, who not only had a large practice but was also a social and political figure who commanded great respect. Mr. Das had the distinction of commanding a good knowledge on criminal, civil as well as the taxation sides. He was for a large number of years the Standing Counsel for the Income Tax Department at both Lucknow and Allahabad. A serious minded person, he carried himself with grace and dignity. He had a western style of living and kept himself aloof from all controversies. He was respected both by the Bench and the Bar.

Mr. Hargovind Dayal Srivastava practised on the civil side. His personality had many dimensions - he had been municipal Commissioner, and a candidate for the Lok Sabha from Lucknow; he was an active member of the Executive Council of Lucknow University and after Mr. H.K. Ghosh, became the President of the Avadh Bar Association which office he held till his last.

After the amalgamation of the Chief Court of Oudh with the Allahabad High Court, the Avadh lawyers expected that in the true spirit of the UP High Courts (Amalgamation) Order, 1948, the jurisdiction of the Lucknow Bench would not be disturbed and it would continue to exercise exclusive jurisdiction over the 12 districts of Avadh. But the then Chief Justice gradually deprived the Lucknow Bench of its jurisdiction by transferring Company Law, Taxation and other jurisdictions of Oudh to Allahabad. Then the total jurisdiction of the Lucknow Bench over the districts of Faizabad and Sultanpur were also transferred to Allahabad. Besides this under Clause 14 of the UP High Courts (Amalgamation) Order, 1948 cases pending at Lucknow were transferred en masse to Allahabad. Clause 14 applications were treated as mere administrative matters and the other party was not even required to be heard and before it was even aware of such a request, found that the case had been transferred from Lucknow to Allahabad. All this resulted in great resentment, because the status of the Court was reduced to only two or sometimes three judges sitting at Lucknow.

Mr. Hargovind Dayal Srivastava took up this matter as a cause and used all fronts available to canvass for the restoration of jurisdiction. Under his stewardship, no stone was left unturned to bring to the notice of the concerned authorities the injustice to lawyers of Lucknow. Fortunately an occasion arose for contesting the validity of transferring cases or jurisdictions through legal proceedings. A five judge Full Bench of the Court in Nirmal Das v. The State Transport (Appellate) Tribunal [AIR 1972 Allahabad 200] held that cases of Lucknow jurisdiction were to be entertained at the Lucknow Bench. In appeal before the Supreme Court, all questions concerning the division of work in the two benches or seats of the Court were finally equitably decided in Nasir Uddin vs. State Transport Appellate Tribunal [AIR 1976 SC 331] The Supreme Court decision has brought peace and amity amongst the lawyers of Allahabad and Lucknow.

Mr. Hargovind Dayal Srivastava was the undisputed leader of the Bar at Lucknow. An unassuming person and a real democrat. He was not perturbed even when the vociferous elements in the Bar wished to adopt drastic agitational methods for redressal of grievances regarding jurisdiction of the Bench; but he very tactfully handled the situation to maintain the dignity of the Bar. A very busy lawyer even at the age of 80, Mr. Hargovind Dayal Srivastava worked throughout the day. He was like a dynamo, full of energy. He was old, but his oldness was not like the antiquity of the hills or the outdatedness of fashion. It was like old time dignity, old school manners and old wine maturity. His son, Mr. Umesh Chandrakar was also President of the Avadh Bar Association till 1990 when he became Advocate General of UP and resigned from Presidentship since he was hard pressed for time. At that time I was the Vice President, and had to be the acting President for the rest of his term.
Mr. B.K. Dhaon, Barrister at Law was a lawyer of eminence during this period. He was an able and erudite Advocate. He always prepared his briefs in great depth and pursued his cases with great tenacity. In some of the cases in which I appeared as junior within him, I found that he was so thorough in the preparation of the cases that he would not leave the file until he had studied it from all angles with the entire case law. He hardly ever rose from his chambers before midnight. But however busy he may be with his large legal practice, Mr. Dhaon found time for his other interests also. He was an active member of the Lucknow University Executive Council and also taught law for some time. He was also elected Member of Parliament from Lucknow. His son Mr. S.K. Dhaon had worked in his chambers in the beginning of his career but then shifted to Allahabad where he had a very large practice. He is now Judge on the Bench of this Court.

On the criminal side, after Mr. H.G. Walford's elevation to the Bench, apart from Mr. RF Bahadurji and Mr. SC Das, there were other eminent personalities as well. Mr. GG Chatterji was a criminal lawyer of repute. He had the advantage of practising in the trial courts as well. He was very good and astute cross examiner. He used to marshal facts so well that before the final had even started he was prepared with his star questions for cross examination. He knew how to handle witnesses, to exclude possibilities of adverse answers coming in cross examinations by asking preliminary questions, which when juxtaposed against the circumstances explained all incriminatory evidence. It was by sheer industry that he was able to steer clear through all obstacles for an acquittal. Mr. Chatterji was much in demand even outside Uttar Pradesh in important criminal cases. He had a jet set type of a practice by appearing in a number of cases at the same time in different parts of the country. While appearing for Hari Das Mundhra at Lucknow, he would rush to Ceylon to defend a Minister there, go to Kashmir to defend an important industrialist, and also attend to normal but difficult appellate work at Lucknow and Allahabad.

Mr. S.L. Suri was one of Mr. Chatterji's promising juniors but he died early. Mr. Chatterji's daughter, Usha Chatterji came in the profession when her father had met with an accident and had become invalid. He could not resume his practice and died. Usha Chatterjee had a persuasive tongue and placed her cases with great alacrity and skill. Soon she earned a great reputation all over the districts and became a busy lawyer. She died early and promising career was cut short.

Mr. Ram Asrey Misra started his practice in criminal courts and made a mark as a practitioner on the original side. He shifted to the High Court and carved out a place for himself amongst the First Runners. He was very sweet tempered and persuasive. With his industry and depth of knowledge, he became a great case winner. The State of Uttar Pradesh engaged him to prosecute the dreaded outlaw Tehsildar Singh, who was a gangster committing murders, dacoities and abductions for ransom. Mr. Misra very ably conducted the case and secured the conviction of Tehsildar Singh. Mr. Misra was elevated as a judge of this Court in 1959 which office he served with great distinction. He is now over 85 years of age and is conducting the case and secured the conviction of Tehsildar Singh. Mr. Misra was elevated as a judge of this Court in 1959 which office he served with great distinction. He is now over 85 years of age and is steering clear through all obstacles for an acquittal. Mr. Chaterji was much in demand even outside Uttar Pradesh in important criminal cases. He had a jet set type of a practice by appearing in a number of cases at the same time in different parts of the country. While appearing for Hari Das Mundhra at Lucknow, he would rush to Ceylon to defend a Minister there, go to Kashmir to defend an important industrialist, and also attend to normal but difficult appellate work at Lucknow and Allahabad.

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Mr. P.N. Chowdhry was the Government Advocate who served in that capacity at Allahabad and Lucknow. He started his practice in the chambers of Chowdhry Haider Husain, where a large volume of
civil briefs were prepared by him. He had equal knowledge of civil and criminal law. He spoke chaste English with a perfect accent and maintained the dignity of the office of Government Advocate like his predecessors, Sir George Thomas and Mr. Nasir Ullah Beg (later on Chief Justice). Mr. Chowdhry resumed his practice on the Criminal side after his retirement as Government Advocate, and distinguished himself as a defence lawyer in very difficult cases. His analysis of facts and derivation of inferences from the same was his forte. His son Mr. Jaikaran Nath Chowdhry is at present a leading practitioner on the criminal side at the Lucknow Bench.

Mr. Pushkar Nath Bhatt was a contemporary of Mr. S.D. Misra. He was interested in politics; and once he told me that at the time when his colleagues were building up their practice, he was organising railway men's Unions as an active trade unionist. He however decided not to give up his practice, because he depended on it, and kept himself abreast with law on the civil side. He was elected Municipal Commissioner and was the Chairman of the Lucknow Municipal Board for 9 years. Before that he was the Vice Chairman and was a close friend of Chowdhry Khaliquzzaman (also an Advocate) who later on became Governor of Punjab in Pakistan. Mr. Bhatt took great interest in the youth of the country and was also managing several educational institutions including the Lucknow Polytechnic. He became President of the Avadh Bar Association in 1967.

Mr. Sarvajit Lal Verma started his practice at Faizabad and also got elected as member of the UP Legislature. He shifted to the High Court quite late. He became the Vice President of the Avadh Bar Association.

Mr. Jai Shanker Trivedi had started his practice as a junior of Mr. S.C. Das. His father was also an Advocate at Sitapur. Mr. Jai Shanker Trivedi was the Standing Counsel for the UP Government and was elevated as a Judge of the Court. As a judge he showed his merit and every one was satisfied with his decisions, including the party which lost the case. His son Mr. Justice D.K. Trivedi is a Judge of this Court.

Mr. Uma Shanker Srivastava had started his practice with his uncle in the district courts, but soon shifted to the Oudh Chief Court. He had a good practice on the matrimonial side, in causes concerning Europeans and Anglo-Indians and in transport cases. He is very fond of good living and westernised food. He moved in the highest social circles and was also President of Mahomed Bagh Club, where civilians found access with difficulty in those days. He was Standing Counsel for UP and thereafter became a Judge of this Court. He retired as Senior Judge of the Court in 1972. Mr. L.P. Nigam belonged to the Judicial Service and was Legal Remembrancer. When he was elevated as Judge of the High Court the first case that he heard was in a Bench with Chief Justice Desai, and he gave a dissenting judgment. He had very clear notions and concepts of law and was brilliant.

In order that true spirit of the Bar and the functioning of the Bench may be described, I have to digress into the past again. In the 1950's there was an all round atmosphere of discipline and dignity. There used to be pin drop silence in the court-rooms and even the verandahs outside. The verandahs in front of the court-rooms were covered with matting so that the sound of footsteps may not disturb the atmosphere in the court. In the Bar Association there were only two rooms. The first room was occupied by the seniors while the second was a silence zone being the library. The juniors had to sit either in the library where not even whispers were allowed or remain in the Court Rooms watching the great and the famous, as well as, not so great and famous placing their cases. A very formal atmosphere prevailed in the Court Rooms. This atmosphere remained even upto the 1960's. Thereafter the winds of change came and the Court Rooms and the Bar Association became packed with lawyers. The clam and serenity changed and now both the places are overflowing the lawyers.

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Mention must be made of Mr. Ishtiaq Ahmad Abbasi and Mr. Syed Mohammed Yousuf. Mr. Abbasi was a barrister and had considerable practice. He used very good expressions and his conversation was both interesting and literary in content. It was always a pleasure to talk to him. Mr. Yousuf was a very dignified, tall and handsome person. He always dressed very smartly and maintained the old school atmosphere.

There are many more whose names I have not mentioned due to lack of space. The coming times will tell how the Court shapes in future and who would then be at the helm of affairs.