

FULL COURT REFERENCE HELD IN THE HIGH COURT OF KERALA ON 15TH OCTOBER 2025, ON THE OCCASION OF THE TRANSFER OF HONOURABLE MS. JUSTICE C.S. SUDHA TO THE HIGH COURT OF DELHI.

Speech by Sri. K. Gopalakrishna Kurup, Advocate General

Hon'ble the Chief Justice of the High Court of Kerala, Mr. Justice NitinJamdar; The Hon'ble Justice C.S. Sudha; The Hon'ble Judges of the High Court of Kerala; The Former Judges of this Honourable Court; The President of the Kerala High Court Advocates Association; The Chairman of the Bar Council of Kerala; The President, Kerala High Court Senior Advocates' Association; The President, Kerala Federation of Women Lawyers, Kerala HighCourt Unit; Law Officers of the State; Deputy Solicitor General, Senior Central Standing Counsel(Taxes) and other Law Officers of the Central Government; Law Officers of the Union Territory of Lakshadweep; Learned Senior Advocates; Esteemed Fellow Members of this Bar; Registrar General, Registrars and Staff of the High Court; Staff of the Advocate General's Office; Advocate Clerks; Family Members of Hon'ble Justice C.S. Sudha; All other dignitaries joining online; Ladies and Gentlemen;

This day fills us with a tinge of poignant feeling as we gather to offer our warm wishes and deep respect to a prominent member of our judicial fraternity -Hon'ble Justice C. S. Sudha - who is proceeding to assume her new role as

Judge of the High Court of Delhi, following her transfer from this esteemed Court.

Your Ladyship's tenure of almost four years in this Honourable Court will certainly leave an enduring and illustrious imprint upon both the Bar and the Bench here; due to your steadfast commitment to justice dispensation, tireless diligence for rightly deciding the *lis*, perceptive contributions to the cause of justice, sharp comprehension of law and legal doctrines applicable and resolute dedication to uphold the rule of law.

You hail from Thiruvananthapuram. Your formative years were shaped by your parents - father, Sri. K. Chandrasekharan Nair, a Central Government employee, and mother, Smt. T. Sulochana Devi, who served as Headmistress of the NSS High School, Palkulangara. To quote your own words: *"My father taught me to aim for the stars and my mother taught me to keep my feet firmly on the ground. I remember with gratitude all that they have done to me to make me the person I am today."*

You completed schooling at Kendriya Vidyalaya, Pattom, and pursued a degree in Economics at Mar Ivanios College, Thiruvananthapuram, before obtaining a degree in Law from the Government Law College, Thiruvananthapuram. You were enrolled as an advocate on the 8th of January, 1989.

After enrolment, you began practising at the various courts at the District Court Centre in Thiruvananthapuram, under the guidance of the late Sri. Poovachal Sadasivan Nair, a doyen of the Civil Bar there. Advocate Poovachal Sadasivan Nair was known for grooming meritorious young lawyers to come up in profession by giving them ample opportunities to appear before the courts. He soon recognised your forensic

skills and entrusted you with the conduct of complicated civil matters, wherein the giants of the Thiruvananthapuram Bar were on the other side. You made the most of it and redeemed the trust reposed on you by your senior by efficiently conducting such cases after thorough and meticulous preparation. Soon you made a name for yourself among the Bar and the litigants alike. Remarkably, you are the second junior colleague of late Sri. Poovachal Sadasivan Nair to be elevated to the august office of Judge of this Honourable Court, following the now retired Justice K. Padmanabhan Nair.

Your Ladyship entered the Judicial Service in 1995, securing the first rank in the selection test for Munsiff-Magistrate. From thereon, your judicial career has been both illustrious and inspiring. You served with distinction as Munsiff-Magistrate and later as Sub Judge and Assistant Sessions Judge. Promoted as District Judge in 2012, you went on deputation in 2013 to serve as Registrar of the Competition Appellate Tribunal and subsequently as Registrar of the National Company Law Appellate Tribunal. Earlier, between 2010 and 2011, you served as Assistant Controller of Investigation in the Office of the Controller of Certifying Authority, under the Ministry of Communication and Information Technology, Government of India.

Upon your repatriation to the Kerala Higher Judicial Service, you served as Judge of the Special Court at Palakkad for the trial of POCSO cases, and later as Additional Director of the Kerala Judicial Academy. The Kerala Judicial Academy, earlier known as the Directorate of Training, from its inception in the year 1986, for 32 long years till November 2018, never had a woman among its Directors. On being appointed as an

Additional Director of the Judicial Academy, you broke that glass ceiling.

You later officiated as Principal District and Sessions Judge, Ernakulam, from May 2021 until your elevation as Additional Judge of this Honourable Court on the 20th of October, 2021. You were subsequently appointed as a Permanent Judge with effect from the 5th of September, 2023.

Your Ladyship's judicial philosophy embodies a rare equilibrium between the precision of legal reasoning and the empathy of human understanding. Across diverse domains of constitutional, criminal, and civil law, your decisions ensured that justice remained sensitive to human dignity, especially for the most vulnerable sections of society.

In Centre for Professional and Advance Studies, School of Medical Education v. Abihitha Karun and others 2022 KER 40168, you, speaking for the Division Bench, held that the object of the Maternity Benefit Act, 1961 was to see that a women employee was not compelled to work at the time of advanced pregnancy as it could be detrimental to her as well as her child's health. It was further held that contractual provisions will not stand in the way of claiming full maternity benefits for 180 days.

In the case of Augustine @ Mervin Alexander 2022 (4) KLT 966, you, for the Division Bench, held that Court could not turn a blind eye when matrimonial bond between the parties seemed to be beyond repair.

In National Cadet Cops Case 2024 KER 15417, you, authoring the judgment for the Division Bench, held that a transwoman, who underwent sex reassignment surgery from male to female and had been given the identity of a female,

was entitled to be enrolled in the NCC. It was also held that a person recognised as a transgender had the right to self-perceived gender identity.

In Najeeb Kanthapuram 2024 KER 60356, it was held that there was no right to elect and no right to be elected as well as no right to dispute an election outside of the Representation of the Peoples Act, 1951, and, as such, those rights, being statutory creations, were subject to statutory limitations. It was further held that an election petition was not an action in common law nor an equity.

In Lebi Sajeendran 2024 KER 77662, it was held that provisions of Mental Healthcare Act, 2017 could have retrospective operation as it was a beneficial legislation.

A larger Bench of five Judges, of which Your Ladyship was also a part of, in Dejo Kappan 2024 KER 82715, held that final and authoritative determination of guilt or innocence could be pronounced only by a judicial authority and, therefore, expression by the media of a definitive opinion regarding the guilt or innocence of a party in a criminal investigation or a case of any adjudication, before any authoritative pronouncement was made by the adjudicatory forum concerned, would not get the protection under Article 19(1)(a).

You were also part of the Bench that considered the matters in relation to the report submitted by Justice Hema Committee regarding the various issues pertaining to film industry in Kerala. You, while upholding a conviction under the Indian Penal Code, cautioned against the branding of youngsters as deviant for their isolated conducts. It was held that youngsters were prone to commit mistakes/follies during their teens or young age for which they could not be

stated to be unreliable. In Fakrudeen K.Y. v. State of Kerala and another 2025 LiveLaw (Kerala) 209, you expressed concerns over the actions of legal provisions to effectively compact cyber bullying and online harassment.

On a personal note, we remember with reverence My Lord's late husband Sri. B.V. Deepak, who was an advocate on record at the Supreme Court and a much sought after lawyer, whose untimely demise was a profound loss to the legal community. Your son, Sri. Karthik S.B, continues the family legal legacy as a practising lawyer.

Speaking on behalf of the legal fraternity of Kerala, I convey the sincerest respect and warmest wishes to Your Ladyship. May this new chapter in the High Court of Delhi bring continued distinction, fulfilment, and success.

Jai Hind

Speech by Sri.Yeshwanth Shenoy, President, Kerala High Court Advocates' Association.

Hon'ble Mr.Justice Nitin Jamdar, Chief Justice, Hon'ble Justice C.S.Sudha, Judges of this Hon'ble Court, Former Judges of this Hon'ble Court, Advocate General, Director General of Prosecution, Deputy Solicitor General of India, Chairman of the Bar Council of Kerala, State Attorney, Secretary and the executive committee members of the Kerala High Court Advocates' Association, Coordinator, High Court Mediation Centre, respected Senior Advocates, the Registrar General, Registrars and Staff of this Court, law officers of the State and Central Government,

Friends & Family members of Justice C.S.Sudha,
Advocates Clerks and my Colleagues at the Bar, my
brothers and sisters.

Today, we gather to bid a fond farewell to Justice C.S. Sudha, whose transfer to the High Court of Delhi marks as a moment of pride to the legal fraternity in Kerala.

Justice Sudha's journey is one of quiet determination, intellectual rigor and service. Born in Thiruvananthapuram, she pursued her education with distinction—graduating in Economics from Mar Ivanios College and earning her law degree from Government Law College, Thiruvananthapuram. Her entry into judicial service was through her stellar performance where she secured the first rank in 1995.

Over the decades, Justice Sudha has served in a wide array of judicial roles across Kerala and New Delhi. From her early days as Munsiff-Magistrate to her tenure as Chief Judicial Magistrate in Kozhikode and Thalassery, and later as District & Sessions Judge in Ernakulam, she has consistently demonstrated legal acumen and administrative excellence. Her deputations to national tribunals—including the Competition Appellate Tribunal and the National Company Law Appellate Tribunal—reflect her versatility.

Her contributions to judicial education as Additional Director of the Kerala Judicial Academy and her leadership in district-level legal service programs underscore her commitment to systemic improvement and public service.

Her judgments have been marked by clarity and a deep respect for constitutional values. Justice Sudha is known for her deliberate, balanced tone—not shying away from setting precedent but always careful to steer clear of overreach. She

is meticulous in analysis, gives due credit to the adversarial arguments before her, and is measured in her remedies. Across her judgments, Justice Sudha has shown that law must serve as a vehicle for positive social change. Whether addressing women's rights in marriage and property, or the protection of minors and marginalized individuals, her interpretative methods are consistently inclusive and rights-based.

Every elevation, transfer and retirement of a woman Judge always triggers a debate on women in Judiciary and the need for women's reservation. Personally, I find it demeaning as it undermines the abilities of those women who have strived hard to achieve success. Justice Sudha did not need any reservation and she has reached this place solely through her hard work and determination. Justice Sudha has ability and competence that is second to none but I strongly believe that she has not bloomed enough to justify her potential. I hope the High Court of Delhi gives Justice Sudha the larger canvas that will help her showcase her potential, creativity and Judicial acumen. I strongly believe that Justice Sudha has the potential to be one of the finest judges in India and I honestly wish that she will do so in Delhi.

The Bar would do injustice to any Judge moving on a transfer if it does not suggest means by which the Judge can achieve his or her full potential. Of all the legal strides we have been proud to achieve as a judicial community, I feel that we have failed ourselves as regards valuation of human lives and therefore it is imperative on every Judge to choose an interpretation that gives maximum value to the human life. We lose nothing by being generous and every Bar loves generous Judges.

On behalf of the Kerala High Court Advocates' Association, we thank you for your services and we wish you every success in this new chapter as you will not just be a Judge in the High Court of Delhi, but you will be a Judge who would represent the Bar of Kerala. May your wisdom continue to illuminate the path of justice, and may the High Court of Delhi benefit from the depth of experience and integrity you bring.

*Speech by the Honourable Chief Justice
Mr. Justice Nitin Jamdar;*

Sister Justice C.S. Sudha, Esteemed Sister and Brother Judges, Former Judges of this Court, The Advocate General, law officers of the State, Union of India and Union Territory Chairman, Bar Council of Kerala, President, Kerala High Court Advocates' Association, President, Senior Advocates' Association, President, Kerala Federation of Women Lawyers, Senior Advocates, Members of the Bar, Family members of Justice C.S. Sudha, Members of the Advocates' Clerks' Association, Ladies and Gentlemen,

Today, we have gathered to bid farewell to our esteemed colleague on the Bench, Justice C.S. Sudha, who enters upon a new chapter of her distinguished career now at the High Court of Delhi.

Justice Sudha was born on 9th October 1964 in the city of Thiruvananthapuram, to late Sri. K. Chandrasekharan Nair, who served in the Central Government, and Smt. T. Sulochana Devi, who was the Headmistress of NSS High School at Thiruvananthapuram.

Justice Sudha completed her early education at Kendriya Vidyalaya, Pattom, Thiruvananthapuram, and graduated in Economics from Ivanios College at Thiruvananthapuram.

Pursuing her interest in law, she obtained her Bachelor's degree in Law from the Government Law College, Thiruvananthapuram. Justice Sudha enrolled as an Advocate on 8 January 1989, and began her legal practice at the District Court, Thiruvananthapuram, under the mentorship of late Sri. Nair, a leading advocate of the Civil Bar at Thiruvananthapuram.

Justice Sudha was selected as a Munsiff-Magistrate in 1995, having secured first rank in the selection process.

Justice Sudha completed more than two and a half decades of dedicated service in the District Judiciary, Kerala, in several capacities, such as Judicial Magistrate, Munsiff, Chief Judicial Magistrate, District and Sessions Judge, and acquired vast experience of the local conditions and district judicial services.

Justice Sudha also served on deputation in various positions, such as the Registrar of Cyber Appellate Tribunal, New Delhi, the Assistant Controller of Investigation in the Office of the Controller of Certifying Authority, New Delhi.

Justice Sudha was also deputed as the Registrar of the Competition Appellate Tribunal, New Delhi, and also as the Registrar of the National Company Law Appellate Tribunal, New Delhi.

On repatriation, Justice Sudha worked as a Special Judge, PoCSO Court. She was also the Additional Director

of the Kerala Judicial Academy.

Later, Justice Sudha was appointed as the District & Sessions Judge/State Transport Appellate Tribunal at Ernakulam.

On 20 October 2021, Justice Sudha was elevated as an Additional Judge of the High Court of Kerala and on 5 September 2023, became permanent Judge of this Court.

Since her appointment to the Bench, Justice Sudha has made substantial contributions to the administration of justice. As a Judge of this Court, Justice Sudha decided large number of cases sitting Single, and part of Division Bench, and also in Larger Bench. She has authored judgments in different branches of law.

Her judicial acumen is reflected through her various judgments reported in law journals.

In discharge of her duties Justice Sudha showed meticulousness with humane and compassionate approach. On the administrative side of the High Court, Justice Sudha made a significant contribution as a Member of various Committees and Sub-committees.

She was member of the Committee for Juvenile Justice, High Court Library Committee, Committee to make recommendations to reduce delay in disposal of murder cases, Committee for performance evaluation and mentoring of the Judicial Officers in the District Judiciary, Committee for formulating regulations pertaining to issues relating to women in Court premises.

She was part of Committee for Computerization of records and Codification, and also, on the Committee to make recommendations relating to infrastructure requirements

of the women stakeholders. Transfer of Justice Sudha to the High Court of Delhi Will indeed be a loss for the Kerala High Court but Delhi High Court will now be the beneficiary of her wisdom, experience, and judicial temperament.

The achievements and distinguished career of Justice Sudha could not have been made possible without the support of her family. Her late husband, Sri B. V. Deepak, an advocate at the Supreme Court of India, was a pillar of strength for her.

Acknowledgment and appreciation are due to her son, Advocate Sri. Karthik S.D., and to all other family members for the strength and encouragement, they have extended to Justice Sudha, to discharge her duties as a Judge of this Court. With her intellect, balanced outlook, courtesy, and conduct Justice Sudha has left a lasting mark on this Court.

On behalf of my colleagues and myself, I express our deep appreciation for the invaluable contributions of Sister Justice C. S. Sudha.

We wish her continued success and fulfilment in all her future endeavours.

Thank you.

Reply speech by the Honourable Ms. Justice C.S. Sudha.

The Hon'ble the Chief Justice Nitin Jamadar; Brother and Sister Judges; Mr. Gopakumar G, Registrar General; the other Registrars of this Court; Judicial Officers; Ms.O.M. Shalina, Deputy Solicitor General of India; Mr. K. Gopalakrishna Kurup, learned Advocate

General; Mr. Ashok M. Cherian and Mr. K.P. Jayachandran, learned Addl. Advocates General; Mr. T. A. Shaji, learned Director General of Prosecution ; Mr. Gracious Kuriakose, learned Addl. Director General of Prosecution; Mr. N. Manoj Kumar, learned State Attorney; The Law Officers of the State and Union of India; Mr. Ajith T.S., Chairman, Bar Council of Kerala; Mr. Yeshwant Shenoy, President of Kerala High Court Advocates Association ; Mr.N. Nandakumara Menon, learned Senior Advocate and President of the Senior Advocates' Association ; Ms. Karthika Sukumaran, President of the Kerala Federation of Women Lawyers ; Learned Senior Advocates; Members of the Bar ; Members of the Advocates' Clerks Association, Staff of the High Court ; Ladies and Gentlemen,

A pleasant Good Afternoon to all of you.

Thank you to the learned Advocate General and President of the High Court Advocates' Association for the great words spoken about me.

I bid farewell to this institution with mixed feelings and emotions, happy and content certainly, but with a tinge of sadness too. I am quite happy to have been part of this august institution.

I wish my dear parents and beloved husband were here with me today. But I am sure all three of them from their heavenly abode are wishing me all well.

It was indeed a pleasure and quite a learning experience when I shared the Bench with other judges of this court. Thank you to all of them.

On this occasion I also remember the former judges of this court who helped and guided me in my judicial career.

To the Bar, I have spoken enough while on the Bench and through my judgments, and so I would not venture to say anything more than say- thank you for everything.

My tenure in this court has been made smooth and comfortable by my very dedicated and efficient team of staff headed by the captain of my all-women team, my PS, Ampily who was ably assisted by Personal Assistants -Anu Krishnan, Jesni M.S., Neema Prakash and Confidential Assistant Sreelakshmi P.R. They stood by me and ensured that all my judgments were ready and uploaded promptly and without delay.

When my court officer Kishorkumar R. joined my team, he had no clue about the court proceedings, as he had been working in the Accounts Section for years. But he quickly picked up and turned out to be an efficient officer who ably assisted me in conducting my court smoothly. Listing officer Binoy also did his best.

My escort Renjith and OA- Aswathy did their share of work too. Renjith was particular in seeing that everything was orderly and arranged in my chamber.

My chauffeur Arun Prasad M took all pains to see that my journeys were smooth, and I reach my destinations in time.

My PSOs Akhil Kumar D.V. and Aji R have discharged their duties to the best of their abilities.

My home was maintained spic and span and orderly by two women at home, my efficient sevaks Mini Gabriel and

Smitha K.G. My PTS Nisha did her job well. My security at home was well taken care by guards Sanal Kumar; Siraj; Akhil and Murali.

My research assistant Arundhathi Anilkumar was quite hard working and of immense help to me.

My team did all they could to see that I did not miss my family. They arranged surprise parties for me. A big thank you to my team led by Ampily for the love and concern they have shown me. They stepped in as my family in the absence of my family here.

My thanks to Protocol Officer Ashok and team for taking care of my journeys and tours.

I would also like to thank the lift operators who used to receive me everyday with a pleasant smile and a namaste.

Before I end, I would like to quote the words of Robert Frost as I did in my speech on being elevated-

*“The woods are lovely, dark and deep,
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.”*

Thank you.

Jai hind.
