



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION (REVIEW) NO. 76 OF 2026

IN

SECOND APPEAL NO. 161 OF 2022 (D)

(DATTATRAY NANAJI SHASTRAKAR (DEAD) THR. LRS. SMT. NISHA DATTATRAY
SHASTRAKAR AND OTHERS

VS

GAUTAM SHANKARRAO THOMBRE)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. S.M.Vaishnav, Advocate for appellants.

Mr. S.T.Dhurwey, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATED : MARCH 23, 2026

1) The Second Appeal was dismissed vide judgment dated 22/12/2025. The applicants who are legal representatives of deceased appellant state that the appellant had expired on 25/10/2024 and that his legal representatives were not brought on record, as such, the appeal had already abated by operation of law prior to 22/12/2025.

2) They contend that the judgment dated 22/12/2025 is thus passed against a dead person and is as such a nullity in the eyes of law. The contention about the date of demise is supported by documentary evidence filed in the form of death certificate, which is not disputed by the respondent.

3) In view of the settled position that abatement operates by law and judgment against a dead person is a nullity in the eyes of law, the application for review is allowed. The judgment

dated 22/12/2025 passed by this Court in Second Appeal No.161/2022 is set aside.

- 4) On an oral motion made by learned counsel for the appellants, leave is granted to incorporate the names of applicants as legal representatives of deceased appellant in Second Appeal No.161/2022. Amendment be carried out forthwith.
- 5) List the appeal for final hearing on **30/03/2026**.

(ROHIT W. JOSHI, J.)