E HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1760 OF 2019

KESHAV S/o BHIVAJI THAKUR AND OTHERS

VERSUS

ISLAMBI IBRAHIM BAIG (Dead) THRU. Lrs NAIMA UMAR SHEIKH AND OTHERS

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

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Mr. A. S. Dhore, Advocate for the petitioners.
Mr. N. R. Bhishikar, Advocate for respondent nos.1(c) and 1(e)

CORAM : ANIL L. PANSARE, J.
DATE : MARCH 27, 2025.

1. Heard for some time.

2. It appears that the decree has been passed against a dead person in the sense the petitioners' father, who was defendant no.9, had expired prior to initiating the suit. The suit was filed by the respondent–Smt. Islambi Ibrahim Baig in the year 2002, whereas the petitioners' father had expired way back in May-1978. May be that the respondent was not aware of the death of the petitioners' father, but the fact remains that the decree has been passed against a dead person.

3. On this point, the parties shall go through the judgment of the Hon'ble Supreme Court in ***Gurnam Singh (Dead) through Legal Representatives and others .vs. Gurbachan Kaur (Dead) by legal representatives***, reported at ***(2017) 13 SCC 414***, particularly paragraph 21 thereof, and make their submissions.

4. List this petition in the week commencing from 14.04.2025.

(Anil L. Pansare, J.)

Signed by: DIWALE *Diwale*
Designation: PS To Honourable Judge
Date: 28/03/2025 16:40:04