

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1389 OF 2015
IN
FIRST APPEAL NO. 836 OF 2008

Mrs. Razia Mohamed Haroon & Anr. ... Applicants

in the matter between

Mohammed Yunus, since deceased
though LRs Saliba Begum Mohammed
Yunus & Ors. ... Appellants

VS.

Abdul Razzak Noor Mohd. (deceased)
through his LRs. Smt. Sakina Bi A.R.
Quershhi & Ors. ... Respondents

Mr. Priyank Shukla i/b. Mr. R.D. Mishra, Advocate for the applicants.
Mr. Siddhesh Pilankar, i/b. Mr. Uday P. Warunjikar, Advocate for the
original appellants.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : 4th September, 2015

P.C.:

In this Application, applicant/respondent no. 1D, who is legal heir of deceased/plaintiff prays that the appeal be dismissed as infructuous, as the suit shop is declared as slum under Slum Rehabilitation Act and is demolished.

2. The learned counsel for the applicants submitted that as the suit property is demolished, the suit has become infructuous, the appeal is already admitted but there is no order of stay. Affidavit of reply is filed on behalf of original appellant no. 1.

3. It is submitted by the learned counsel for original appellant in part of reply that though the respondent also admitted that the building where the suit shop is demolished on 8th August, 2014, there will be redevelopment of the property and in that view, it cannot be said that the Appeal has become infructuous because the suit was for declaration of dissolution of partnership and for the accounts. The learned counsel submitted that the judgment and decree is challenged in Appeal and therefore, the applicants submitted that the suit has not become infructuous.

4. Read the plaint and the judgment. The suit is for declaration of dissolution of partnership in respect of the business carried out from the shop which is demolished and also for getting the accounts of the partnership. In view of this, Civil Application is dismissed.

(MRS.MRIDULA BHATKAR, J.)