

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.613 OF 2016
IN
FIRST APPEAL NO.563 OF 2013**

Mohammed Yusuf Saudagar	.. Appellant
V e r s u s	
Nakhuda Mohammed Ali Rogay	.. Respondent
A n d	
Shama Mohammed Yusuf & Others	.. Applicants.

**WITH
CIVIL APPLICATION NO.2745 OF 2014
IN
FIRST APPEAL NO.1297 OF 2012**

Mr. Jamil Ahmed Khan	.. Applicant
V e r s u s	
Mr. Nakhuda Mohammed Ali Rogay	.. Respondent

Ms. Rupa Bawal i/b P.S. Gidwani for the Applicants in C.A.No.613 of 2016 and C.A. No.2745 of 2014.
Drupad Patil for the Respondent in F.A.No.563 of 2013.

CORAM : K.K. TATED, J.

DATE : 18 FEBRUARY 2016.

P.C. :

1 Heard the learned Counsel for the parties. This application is preferred by the heirs of the deceased sole Appellant Mohammed Yusuf Saudagar, who died on 25 December 2015 for joining them as Appellants in First Appeal No.563 of 2013.

2 Considering the submissions made by the learned Counsel for the Applicants and averments made in the Civil Application, I am satisfied that the Applicants have made out a case for allowing this Civil Application. Hence, the following order.

: O R D E R :

{A} Civil Application is allowed in terms of prayer clause(a), which reads thus :

“that the name of deceased Original Appellant be deleted and Applicants/proposed Appellants No.1 to 4 be brought on record in place of the deceased Original Appellant as his legal heirs.”

{B} Applicants to carry out the amendment within two weeks from today. The amended copy of Appeal Memo of First Appeal No.563 of 2013 be served upon the Respondent's Advocate thereafter.

{C} Civil Application stand disposed of accordingly.

{D} Other Civil Application No.2745 of 2014 be shown on the board on 21 March 2016 for hearing.

(K.K. TATED, J.)