

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3507 OF 2015
IN
FIRST APPEAL NO. 73 OF 1994

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Date: 2023.12.22
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Yusuf Aziz Merchant

...Applicant

In the matter between:

Mrs. Noorbanubai Widow Aziz Walimohamed
and Ors.

...Appellants

Versus

The Colaba Land And Mills Co. Ltd.

...Respondent

Mr. M.S. Bhandari i/b. M. Pranjali Bhadari, Advocate for Applicant.

CORAM : M.M. SATHAYE, J.

DATE : 22nd DECEMBER, 2023

P.C. :

1. Learned counsel for the applicants submits that the sole Applicant Yusuf Aziz Merchant, who was prosecuting this application, has also expired and as such, as on today all the three Applicants are dead. In that view of the matter, nothing survives in this Application and the same is disposed of as abated.

2. Mr. Bhandari submits that Mr. Zulyan Yusuf Merchant who has signed this application as Constituted Attorney of his father (Yusuf Aziz Merchant), has himself become an executor now. He submits that the said Zulyan Yusuf Merchant may be at liberty to adopt appropriate proceedings. Needless to mention that if any such proceedings are adopted, the same will be decided on its own merits.

3. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)