

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**TESTAMENTARY SUIT NO.71 OF 1997
IN
TESTAMENTARY PETITION NO.191 OF 1996**

S.H.MirandaPlaintiff

V/s.

Mrs.Mabel MirandaDefendant

WITH

SUIT NO.2031 OF 1995

Malcolm Correa & Ors.Plaintiffs

V/s.

S.H.Miranda & ors.Defendants

Mr.Denzil D'mello for plaintiff in TS 71/1997 and for defendant no.1 in Suit No.2031/1995.

Mr.Owen Menezes for defendant nos.2A, 2B & 3 in TS 71/1997.

Ms.Geeta P.Sonawane for defendant nos.5 & 6(a) in TS 71/1997 and for defendant nos.2 to 4 in Suit No.2031/1995.

Mr.Owen Menezes i/by Prashant P.Prabhu for plaintiff nos.1A, 1B and 3.

CORAM : K.R.SHRIRAM,J

DATE : 24.10.2016

P.C.:-

1 At the outset, by consent, in paragraph-2 of the order dated 10.10.2016 "defendant no.1" to be read as "plaintiff". Order be corrected accordingly.

2 Further to the order dated 10.10.2016, the counsel for the plaintiff and defendants state that plaintiff has signed the consent terms dated 10.10.2016 based on the power of attorney issued by defendant no.5. A copy of the power of attorney is also annexed to the consent terms. The consent terms dated 10.10.2016 is taken on record and marked "X" for identification. The undertakings given in the consent terms are accepted and so ordered.

3 The consent affidavit of defendant nos.2A & 2B sworn on 10.10.2016 is also taken on record and marked "Y" for identification. Testamentary Suit stands disposed accordingly. Registry to issue letters of administration only upon being satisfied that the plaintiff has complied with the undertakings as recorded in clause-24 of the consent terms.

4 Drawn up decree is dispensed with for drawing letters of administration. Ms.Geeta Sonawane appearing for defendant nos.5 & 6(a) is filing Vakalatnama in the registry today. Registry to accept the same.

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5 Further to the order dated 10.10.2016, the counsel for the plaintiff confirms that the defendant no.4 has signed the consent terms through Constituted Attorney-defendant no.1 and the copy of

the power of attorney is also annexed to the consent terms. The consent terms dated 10.10.2016 is taken on record and marked "X" for identification. Ms.Geeta Sonawane for defendant nos.5 & 6(a) is filing Vakalatnama in the registry today. Registry to accept the same.

6 The undertakings given in the consent terms are accepted and so ordered. The suit stands dismissed as withdrawn. All interim orders stand vacated. Refund of court fees if any, in accordance with Rules.

(K.R.SHRIRAM,J)