

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO. 1348 OF 2008

Arun Kishandas Chhabria .. Plaintiff
Vs.
Nirmala Kishandas Chhabria & Ors. .. Defendants

**WITH
TESTAMENTARY SUIT NO. 48 OF 2007
IN
TESTAMENTARY PETITION NO. 237 OF 2007**

Laxman Damodar Jhaveri .. Plaintiff
Vs.
Arun Kishandas Chhabria .. Defendant

Mr.Sayeed Mulani i/b Mulani & Co. for plaintiff in S/1348/2008 and for defendant in TS/48/2007.

Mr.Swapnil Gupte a/w. Ms.Aishani Nayak i/b M/s. Hariani & Co. for defendant nos.2 to 4 for plaintiff in TS/48/2007.

Mr.Arun Kishandas Chhabria-plaintiff in S/1348/2008 and for defendant in TS/48/2007.

Mr.Pradeep Chhabria-defendant no.2 in S/1348/2008.

**CORAM : K.R.SHRIRAM, J.
DATE : 12TH AUGUST, 2016**

P.C.

1 The counsel for the plaintiff seeks leave to withdraw Suit No.1348 of 2008.

2 The suit dismissed as withdrawn.

Refund of Court fees, if any, in accordance with Rules.

TESTAMENTARY SUIT NO. 48 OF 2007
IN
TESTAMENTARY PETITION NO. 237 OF 2007

3 The counsel for the plaintiff and the defendant state that there are certain typographical errors which had crept into the Consent Terms filed on 6th May 2016 and tendered draft of corrections/rectifications to the Consent Terms which is taken on record and marked 'X-1' for identification. The corrections are as under :

1. Clause 7 : (i) Clause 4 rectified to Clause 6
(ii) Clause 7(a)(iii) rectified to Clause 8(a)(iii)
2. Clause 8(a)(iii) : Clause 5 rectified to Clause 7
3. Clause 9 : Clause 6(b) rectified to Clause 8(b)
4. Clause 10 : Clauses 6 and 7 rectified to Clauses 8 and 9
5. Clause 13 : (i) Clause 7(a) and (b) rectified to Clause 8(a) and (b)
(ii) Clause 4 rectified to Clause 5
6. Clause 14 : (i) Clause 6(a) rectified to Clause 8(a)
7. Clause 15 : (i) Clause 4 rectified to Clause 5
(ii) Clause 6 rectified to Clause 8
8. Clause 16 : Clause 6(a) and (b) rectified to Clause 8(a) and (b).

4 Rest of the consent terms remains unaltered.

5 Parties are at liberty to carry out the corrections in the consent terms forthwith. The counsel for the defendant has tendered a consent affidavit of Arun Kishandas Chhabria, affirmed on 12th August 2016 consenting for issuance of Probate.

6 The defendant-Arun Kishandas Chhabria is present in Court and is identified by his Advocate Shri Sayeed Mulani.

7 The said consent affidavit is taken on record and marked 'X' for identification. In view of the said affidavit, the counsel for the defendant states that the Probate can be granted to the plaintiff.

8 The Probate granted accordingly.

9 The Testamentary Suit also stands disposed.

10 Drawn up decree dispensed with.

11 All interim applications in both suits also stand disposed and all interim orders stand vacated.

(K.R. SHRIRAM, J.)