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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**TESTAMENTARY SUIT NO.56 OF 2014
IN
TESTAMENTARY PETITION NO.696 OF 2013**

Smt. Padma Dharamdas Rachwani	...Deceased
Kishore Dharamdas Rachwani	...Plaintiff
V/s.	
Mrs. Lavina Gope Keswani	...Defendant

.....
Mr. Ravesh Mishra i/b. Vijay B. Dhingreja for the Plaintiff.
Mr. Raphael D'Souza for the Defendant.
Defendant in person present in Court.
.....

CORAM : A. K. MENON, J.

DATE : 29TH FEBRUARY, 2016.

PC.:

1] The lone defendant is the Caveator in Testamentary Petition No.696 of 2013 which has since been converted to Testamentary Suit No.56 of 2014. Meanwhile the defendant had filed Testamentary Petition No.909 of 2013 seeking Letters of Administration.

2] In a separate Suit filed in the City Civil Court, being S.C. Suit No.731 of 2015 the first plaintiff who is the petitioner in the Testamentary Petition No.696 of 2013 and the defendant who is the first defendant in that Suit have arrived at Consent Terms. The certified copy of the Consent Terms along with copy of the Roznama dated 29th January,

2016 have been filed today in these proceedings. The Suit in City Civil Court has been disposed of and by virtue of the compromise recorded vide clause (8) of the Consent Terms it is agreed between the plaintiff no.1 and defendant no.1 that Consent Terms will be filed in the present proceedings.

3] The certified copies of the Consent Terms filed in the City Civil Court in S.C. Suit No.731 of 2015 and the Roznama dated 29th January, 2016 are taken on file.

4] The defendant has filed an affidavit dated 27th January, 2016 setting out the fact that the parties have arrived at a settlement and she does not wish to press the Caveat. She agreed to grant her full and free consent for grant to be issued in favour of the petitioner. In pursuance of the said affidavit, the Minutes of the Order dated 29th February, 2016 have been tendered.

5] On the joint request of the parties and their Advocates I pass the following order:-

(i) The Caveat filed in Testamentary Petition No.696 of 2013 is dismissed. Suit No.56 of 2014 stands disposed of. The Testamentary Petition No.696 of 2013 shall now proceed to grant subject to the removal of all other office objections. Drawn up order of disposal of Testamentary Suit No.56 of 2014 is dispensed with.

(ii) As far as Testamentary Petition No.909 of 2013 is concerned, by virtue

of the Consent Minutes of the Order dated 29th February, 2016 the said Petition shall stand disposed of.

(iv) The parties to act on a certified copy of this order.

(A. K. MENON, J.)