

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
NOTICE OF MOTION NO.104 OF 2015  
IN  
MISCELLANEOUS PETITION NO.111 OF 2015  
IN  
TESTAMENTARY PETITION 625 OF 2000**

Lalita Ratanchand Baldota and Another ... Petitioners  
*Versus*  
Pushpa w/o. Of Shantilal Lunkad ...Respondent

---

**Mr. Albert Talegaonkar**, *with Mr. Salil A. Talegaonkar, i/b Bhaishankar Kanga and Girdharlal for the Petitioners.*  
**Ms. Ankita Singhania**, *with Mr. Amit Mehta i/b M/s. Mahimtura and Company for the Respondent No.2.*  
**Mr. H.W. Kane**, *with Mr. Rahul Kadam i/b M/s. W.S. Kane and Company for Intervenor, Mr. Narendra Baldota.*  
**Mr. Vishal Kanade**, *with Mr. Sachin Kudalkar, i/b Madekar and Company for Respondent No.3.*

---

**CORAM: G.S. PATEL, J**  
**DATED: 2nd September 2016**

**PC:-**

1. The Miscellaneous Petition and the Testamentary Petition have both been settled. The 1st Petitioner is present in Court. She is 82 years old. The Consent Terms explicitly say that they have been explained and interpreted to her in Marathi by Advocate. Mr.

Manjrekar of the Chief Translator's Office is present. At the instance of the parties, Mr. Manjrekar has read over, explained and interpreted the Consent Terms to the Petitioner in Marathi in Court. She confirms that she has understood the Consent Terms and that they are correct. She accepts them and confirms her signature or mark on the Consent Terms. The Consent Terms are also signed by the 2nd Petitioner and the 2nd Respondent as also the Advocates for the parties.

2. On a previous occasion, a statement was made on behalf of the Petitioner and the 2nd Respondent that the settlement that was then proposed, and which is now reflected in the Consent Terms given to me today, does not affect the title of a transferee from one of the heirs of the deceased. This statement is noted. It will continue as part of the present order as well.

3. Similarly, Mr. Kanade who appears for Respondent No.3, states that that Respondent is not a party to the Consent Terms. There was some correspondence previously between the 3rd Respondent and one or more of the parties to this litigation. It is clarified that these Consent Terms do not affect any rights of the 3rd Respondent.

4. The 4th Respondent is a formal party and no reliefs have been sought against her nor she is affected by these Consent Terms.

5. I have seen the Consent Terms. They are in order. They are not contrary to law and I am satisfied that they have been drawn by

the parties of their own volition and reflect their true intention. The Consent Terms are taken on record and marked “X” for identification. The undertakings in the Consent Terms are accepted as undertakings to the Court. The Miscellaneous Petition and the Testamentary Petition are disposed in accordance with the Consent Terms.

6. A decree is to be drawn in accordance with this order.
7. The drawn up decree is expedited and will be issued on a priority basis especially in view of the age of the 1st Petitioner.
8. Refund of Court Fees, if any, in accordance with the Rules.
9. All concerned to act on an authenticated copy of this order.
10. All parties including the proposed intervenor are entitled to apply for certified and authenticated copies of this order.

**(G. S. PATEL, J.)**