

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 113 OF 2015
IN
TESTAMENTARY PETITION NO.1944 OF 2014
WITH
TESTAMENTARY PETITION NO.1525 OF 2014
WITH
CAVEAT NO.150 OF 2015**

Shri Devendra Shantilal Shah ...Plaintiff
Versus
Shri Avinash Harivadan Fadia ... Defendant

Mr. Nikhil Rajani, i/b V. Deshpande for the Petitioner in TP No.1944 of 2014.
Ms. Monica Parikh, for the Petitioner in TS No.113 of 2015.

CORAM: G.S. PATEL, J
DATED: 16th August 2016

PC:-

1. The parties have settled their disputes. Consent Terms are tendered. These Consent Terms are signed by the brother, Avinash, who is personally present in Court, and his sisters, Mandakini and Usha. The two sisters have signed through their Constituted Attorney, Mr. D. Senthil, who is personally present in Court.

2. The parties have agreed to the grant of the probate and they have made provision in accordance with the order passed on 12th August 2016 in respect of the immovable property at Khar. Provisions are also made for the payment of legal fees, costs, household articles and so on. as also for various other items.

3. Having heard the Advocates for both sides and having seen the Consent Terms, I am satisfied that these are not contrary to law, a fair and reasonable, reflect the parties' true intentions and have been drawn by the parties of their own volition.

4. I take the Consent Terms on record and marked "X" for identification. I accept the undertakings in the Consent Terms as the undertakings to the Court.

5. The Testamentary Suit is disposed of in accordance with the Consent Terms. Refund of Court Fees, if any, in accordance with the Rules.

6. Drawn up order or decree is dispensed with at the request of the parties.

7. Should the parties require a drawn up order or decree for the purposes of the sale of the immovable property, transfer of any other property or for implementation of the Consent Terms, they will be at liberty to apply for the department directly without requiring a further order of the Court.

8. In view of this, the Testamentary Petition No.1944 of 2014 is allowed to be withdrawn.
9. Refund of Court Fees, if any, in accordance with the Rules.
10. All concerned to act on an authenticated copy of this Order.

(G. S. PATEL, J.)