

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

TESTAMENTARY PETITION NO. 747 OF 2006

IN

SUIT NO. 2216 OF 2008

Pandurang Shripati Indulkar .. Deceased

Smt. Laxmi Pandurang Indulkar .. Petitioner

Vs.

Smt. Shantabai Shripati Indulkar .. Defendant

WITH

TESTAMENTARY PETITION NO.47 OF 2009

Pandurang Shripati Indulkar .. Deceased

Smt. Saroj Pandurang Indulkar .. Petitioner

WITH

MISCELLANEOUS PETITION (L) NO.1338 OF 2015

Pandurang Shripati Indulkar .. Deceased

Prakash Pandurang Indulkar .. Petitioner

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Ms. Savina Bangera i/b. Nandu Pawar for petitioner in TP No. 747/06.
Mr. Prashant s. Bhavake for petitioner in Testamentary Petition No. 47
of 2009 & for petitioner in Misc. petition (L) No. 1338/15

CORAM : A. K. MENON, J.**DATE : JANUARY 5, 2016.**P.C.:

. The parties have arrived at an amicable settlement of all
their disputes. The parties have entered into consent terms which has
signed by the parties and their Advocates. The same is taken on file.

2] In accordance with the consent terms all parties have agreed that Smt. Laxmi Pandurang Indulkar petitioner in Petition No. 747 of 2006 is entitled to pursue and obtain Succession Certificate and none of the other party have any objection thereto. As far as Petition No. 47 of 2009 is concerned the same is filed by Smt. Saroj Pandurang Indulkar who has also clarified that she has no objection in succession certificate being issued in Petition No. 747 of 2006 in favour of Smt. Laxmi Pandurang Indulkar. She seeks leave to withdraw the Petition No. 47 of 2009.

3] Smt. Laxmi Pandurang Indulkar the petitioner in Petition No. 747 of 2006 has no objection to Shri Prakash Pandurang Indulkar the son of Smt. Saroj Pandurang Indulkar, applying for employment with the Police Department of State of Maharashtra on compassionate grounds, in place of the deceased, subject to policy of the State in that behalf.

4] In view of the Consent terms, Ms. Bangera counsel for Smt. Laxmi Pandurang Indulkar petitioner in Petition No. 747 of 2006 and her son Shri Vishal Pandurang Indulkar states that he, Vishal shall not make any claim seeking appointment on compassionate grounds in view of Shri Prakash Pandurang Indulkar who has already applied for such appointment.

5] As far as Miscellaneous Petition (L) No. 1338 of 2015 is concerned the same is filed by Prakash Pandurang Indulkar for the purpose of seeking heirship certificate. The consent affidavits of Smt. Saroj Pandurang Indulkar, Smt. Parwati Pandurang Indulkar are already filed therein. The application for issuance of legal heirship certificate was made in order to enable the petitioner therein to apply for employment with the Police Department. It was the case of the petitioner Shri Prakash Pandurang Indulkar that the office of the Commissioner of Police has been sending reminders calling upon the petitioner to furnish the legal heirship certificate. In view of the consent terms now arrived at, the signatories have no objection to issuance of legal heirship certificate in favour of Shri Prakash Pandurang Indulkar which will enable him to pursue his application for employment.

6] In the circumstances the aforesaid Petition No. 47 of 2006 is disposed of as withdrawn. As far as Miscellaneous Petition Lodging No. 1338 of 2015 is concerned, the same is accepted. In view of the consent terms filed today proclamation is dispense with. Stand over for order of adjudication on 12th January 2016.

7] In view of the consent terms the petition no. 747 of 2009 may be proceed with subject to compliance with other requisition which are not provided in the consent terms. All parties are present and all parties read and understood the contents of the consent terms. Those who have signed in vernacular have confirmed having had read over and explained to them the contents of the consent terms and they are agreeable to the same. Copies of this Order shall be placed on the record of all three proceedings.

(A. K. MENON, J.)