

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

**TESTAMENTARY SUIT NO. 114 OF 1998
IN
TESTAMENTARY PETITION NO. 856 OF 1994**

Deviyani N. Mathura & Anr. .. Plaintiffs
Vs.
Chandravadan N. Mathura .. Defendant

**WITH
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO. 4065 OF 1994

Chandravadan N. Mathura .. Plaintiff
Vs.
Pravinchandra D. Dalal & Ors. .. Defendants

Ms.Khyati Pandit i/b Dhru & Co. for plaintiffs in TS/114/1998 and for defendant Nos.1, 2, 5 and 6 in S/4065/1994.

Mr.Ruchir Tolat i/b L.C. Tolat & Co. for plaintiff in S/4065/1994 and for defendant in TS/114/1998.

Ms.Deviyani Nanalal Mathuria-plaintiff no.1 and Ms.Hansa Nanalal Mathuria-plaintiff no.2 present in Court.

CORAM : K.R.SHRIRAM, J.

DATE : 7TH APRIL, 2017

P.C.

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1 The parties have amicably settled the matter and have entered into consent terms dated 7th April 2017. The consent terms signed by plaintiff nos. 1 and 2, the defendant and their respective advocates, is taken on record and marked 'X' for identification. The plaintiffs are present in Court and

are identified by their advocate. The defendant is not present but Mr.Tolat for the defendant and Ms.Pandit for plaintiffs state that the defendant signed the consent terms in their presence.

2 Order in terms of the consent terms. All undertakings in the consent terms are accepted. The caveators statement that they are withdrawing the caveat is accepted.

3 The Prothonotary and Senior Master, therefore, to proceed accordingly for grant of probate on the basis that the caveators do not contest the petition.

4 The suit accordingly disposed.

5 By consent, the Court Receiver appointed is also discharged without passing of accounts. Ms. Pandit for the plaintiffs states that if there are any charges payable to the Court Receiver, the plaintiffs shall pay the amount to the Court Receiver within two weeks of receiving the communication from the Court Receiver. If the plaintiffs do not pay, the Advocate on record shall pay the Court Receiver's charges. The keys and any other documents, if the Court Receiver has with him, the same to be handed over to the Advocate on

record for the plaintiffs.

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4 The counsel for the plaintiff seeks leave to withdraw the suit.

The suit dismissed as withdrawn.

All parties to act on a copy of this order authenticated by the Associate of the Court.

(K.R. SHRIRAM, J.)