

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

**TESTAMENTARY SUIT NO.44 OF 2017
IN
TESTAMENTARY PETITION NO.969 OF 2016
WITH
CAVEAT NO.83 OF 2017**

Raju Mahtaney	...	Plaintiff
Versus		
Priyam Devidayal And Another	...	Defendants

.....

Ms. P.M. Bhansali I/b Siddharth Kanakia for the Plaintiff.
Ms. Laxmi V. Mankar for the Defendants.

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CORAM : S.C.GUPTE, J.

DATE : 30 NOVEMBER 2017

P.C. :

. The parties have settled the testamentary suit and are filing consent terms. Consent terms are between the existing parties as well as new parties proposed to be added to the testamentary suit as part of the settlement. Accordingly, the draft amendment for impleading the parties is taken on record, marked 'X' for identification. The Plaintiff is permitted to amend the testamentary suit in terms of the draft amendment. Such amendment to be carried out within two weeks. Learned Counsel for Defendant Nos.1 and 2 unconditionally withdraw the caveat and affidavit-in-support thereof in the original testamentary petition. Learned Counsel seeks disposal of the testamentary petition in terms of the consent terms. Consent terms duly signed by the Plaintiff and the Defendants including

newly added defendants and Advocates of the Plaintiff and Defendant Nos.1 and 2 are taken on record, marked 'X/1' for identification.

2 The caveat and affidavit in support thereof filed by Defendant Nos.1 and 2 stands withdrawn in terms of the consent terms and testamentary petition shall be disposed of in terms of the consent terms. The conversion of the testamentary petition into a testamentary suit is, accordingly, shall stand revoked and office shall issue the grant on the testamentary petition on that basis that it is uncontested matter. Office shall not insist on any drawn up decree accordingly.

(S.C. GUPTE, J.)