

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 604 OF 2009
WITH
TESTAMENTARY SUIT NO. 106 OF 2014
IN
TESTAMENTARY PETITION NO. 604 OF 2009**

Sumati Narayan Gandhi	]	Deceased
Dr. Anil Narayan Gandhi	]	Plaintiff
Vs.		
Vijay Narayan Gandhi	]	Defendant

.....

Ms. Madhuri Gaikwad, for plaintiff in T.S. No. 106 of 2014 and defendant in T.S. No. 67 of 2009.

Mr. Rahul Rao a/w Ms. Neha Choksy i/b Mr. U.M. Zaveri for plaintiff in T.S. No. 67 of 2009 and defendant in T.S. No. 106 of 2014 and plaintiff in Suit No. 1786 of 2007.

Mr. Rajesh Khandelwal i/b K.V. Tambe, for defendant in Suit No. 1786 of 2007.....

CORAM : R.G. KETKAR, J.

DATE : 22nd SEPTEMBER, 2017.

P.C:

Heard Ms. Gaikwad, learned Counsel for the plaintiff in T.S. No. 106 of 2014 and defendant in T.S. No. 67 of 2009, Mr. Rao, learned Counsel for plaintiff in T.S. No. 67 of 2009 and Suit No. 1786 of 2007 and defendant in T.S. No. 106 of 2014 and Mr. Khandelwal, for defendant in Suit No. 1786 of 2007.

2. This Petition is instituted for grant of Probate of last Will and Testament of Smt. Sumati Narayan Gandhi [hereinafter referred to as 'deceased']. Deceased died at Mumbai on 12th

January, 2001. She had executed her last Will and Testament dated 12th August, 1994.

3. Learned Counsel for the parties submit that respondent in the present Petition has instituted Suit No. 1786 of 2007, inter alia, praying for administration of estate of the deceased. Learned Counsel for the parties submitted that they have filed consent terms dated 27th February, 2017 in that suit. Photo copies of that consent terms are taken on record and marked 'A' for identification.

4. Learned Counsel for the parties submit that obligations cast in clauses 5 to 8 have been complied by the parties. As the respondent has filed affidavit of consent for grant of Probate in Testamentary Petition as per clause (6), learned Counsel for the respondent states that respondent has no objection for granting Probate in the Testamentary Petition.

5. In view thereof, Petition is made absolute and Probate is granted to the petitioner having effect throughout Maharashtra. After grant of Probate, parties shall act in accordance with the consent terms dated 27th February, 2017. Testamentary Suit No. 106 of 2014 is disposed of.

[R.G. KETKAR, J.]