

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 183 OF 2017
IN
TESTAMENTARY PETITION NO. 384 OF 2017
WITH
CHAMBER SUMMONS NO. 39 OF 2018**

Mundkur Dayanand Shetty	...Plaintiff
<i>Versus</i>	
Maan Amarnath Singh	...Defendant
<i>And</i>	
Prabhavati A Singh & Ors	...Respondents

Mr RN Shetty, for the Plaintiff.
Mr Vishal Shriyan, i/b Vikas B Pandey, for the Defendant No. 1.

CORAM: G.S. PATEL, J
DATED: 27th July 2018

PC:-

1. The Probate Petitioner was himself not a legatee under the Will. The Probate Petition was contested by all the legal heirs and representatives of the deceased Amarnath Singh. The Petition was opposed by Defendant No. 1. There is a separate Chamber Summons No. 39 of 2018 to add the other heirs as Defendants Nos. 2 to 7.

2. The Chamber Summons No. 39 of 2018 is made absolute. Amendment to be carried out by Monday, 30th July 2018 without need of reverification.

3. The Defendants thus are all the heirs and next of kin of the deceased Amarnath Singh. All of them are joined in their opposition to the Probate Petition and the Will. They have also independently arrived at a family arrangement in regard to the estate of the deceased. It is, in these circumstances, that the present Consent Terms are presented. Having regard to these circumstances, the Consent Terms are taken on record and marked “X” for identification with today’s date. They are in order. They are not contrary to law. I am satisfied that the parties have signed these Consent Terms of their own volition in reflection of their true intentions. The undertakings in the Consent Terms are accepted as undertakings to the Court.

4. The Testamentary Suit and the Testamentary Petition are disposed of in accordance of the Consent Terms. The Consent Terms are signed by the Plaintiff, the original Defendant No. 1 and the newly added Defendants Nos. 2 to 7 as also their Advocates. Parties who are signatories are present in Court.

5. Leave to the parties to register an authenticated copy of this order with the Consent Terms attached as a conveyance, if necessary, for the purpose of effecting any required transfer of immovable property. Further leave to the parties to apply for a drawn up order which, if sought, will be issued expeditiously.

6. A soft copy of the Consent Terms will be uploaded as second order in the matter.

(G. S. PATEL, J)