

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 134 OF 2018
IN
TESTAMENTARY SUIT NO. 165 OF 2015
IN
TESTAMENTARY PETITION NO. 904 OF 2015**

Raksha M Desai	...Applicant
<i>In the matter between</i>	
Chitanshu Anil Vora & Anr	...Plaintiffs
<i>Versus</i>	
Karishma B Zaveri	...Defendant
<i>And</i>	
HDFC Bank	...Respondents

Mr KT Kukreja, *with Ms Bhumika Gada and Mr Nilkhanth, i/b Arvind Manghirmalani, for the Applicant.*
Ms Karishma B Zaveri, *née Karishma Taunk, Caveator in person.*
Ms Shirin Shaikh, *i/b Vivek Patil & Associates, for HDFC Bank.*

CORAM: G.S. PATEL, J
DATED: 3rd August 2018

PC:-

1. Pursuant to the order dated 6th July 2018, there is a Manager's Cheque from HDFC Bank in the amount of Rs.44,12,102/- in favour of the Defendant/Caveator in her maiden name, 'Karishma Taunk'. Similarly, in fulfilment of the obligations

of the Defendants in SC Suit No. 1492 of 2015 (these are the Plaintiffs to the present Suit), Mr Kukreja has a separate Manager's Cheque No. 480576 drawn on HDFC Bank dated 1st August 2018 in favour of Ms Karishma Taunk in the amount of Rs.1,35,87,898/-. The aggregate of these two managers' cheques is Rs. 1.80 crores, as required by the Consent Terms of 25th April 2018.

2. Ms Karishma Taunk is personally present in Court. She confirms that she has vacated Flat No. 2A, Patel Sadan, 40/C, Dr Gopaldas Deshmukh Marg, Peddar Road, Mumbai 400 026. She has the keys to the flat with her in Court and these are handed over to Mr Kukreja. The two managers' cheques are given to Ms Taunk in Court today. She will encash them at the earliest.

3. Mr Kukreja has also had fresh Consent Terms prepared in the present Testamentary Suit. These were contemplated by the previous Consent Terms of 25th April 2018 and the draft of these Consent Terms is at page 17 of the present Notice of Motion. The Consent Terms have been signed before an Apostille or notary in the USA by the 1st Plaintiff in the Testamentary Suit. The 2nd Plaintiff is present in Court and has signed the Consent Terms here. Ms Taunk signs the Consent Terms before me in Court today. These Consent Terms are taken on record and marked "X1" for identification with today's date. The statements in the Consent Terms are accepted as undertakings to the Court.

4. The Testamentary Suit and the Testamentary Petition are disposed of accordingly. The Testamentary Petition will proceed to

the grant of Probate. The Probate is to be issued expeditiously.
Drawn up order dispensed with.

5. In the facts and circumstances of the case, I will not require the parties to furnish a scanned copy of the Consent Terms given the state in which they are tendered i.e. with the US Apostille certificate attached, but will direct the Registry to have these Consent Terms scanned in their entirety and uploaded as a second order in the matter.

6. Ms Taunk states that she will make the necessary application for withdrawal of the criminal complaint within two weeks from today. The statement is also accepted as an undertaking to the Court.

7. The Testamentary Suit and all interim applications are disposed of in these terms. No costs.

(G. S. PATEL, J)