

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT (L) NO.1253 OF 2018
WITH
NOTICE OF MOTION (L) NO.2142 OF 2018

Nayan Engineer ...Plaintiff
vs.
Jayant T. Engineer and Ors. ...Defendants

Mr. Rajiv Narula a/w. Mr. Ryan Menezes I/b. Jhangiani, Narula & Associates, for the Plaintiff.

Mr. Delaney Sylvestger I/b. Dhru & Co., for Defendant No. 1.

Mr. Darshit Jain I/b. Mr. S.J. Nagasri, for Defendant No. 3.

CORAM : R.D. DHANUKA, J.

DATE : JANUARY 22, 2019

P.C.:

. The learned counsel for the Plaintiff tenders draft amendment. The learned counsel for the Defendant Nos. 1 and 3 have no objection if the draft amendment is permitted. Statement is accepted. Leave to amend is granted. Amendment to be carried out as per draft amendment forthwith. Reverification is dispensed with.

2. The learned counsel for the Plaintiff seeks liberty to withdraw the suit in so far as the Defendant No. 2 is concerned. Leave to amend is granted. Amendment to be carried out forthwith.

3. The learned counsel for the Defendant Nos. 1, 3 and 4

tenders the consent terms duly signed by the parties and their respective advocates. Signatures of the parties are identified by their respective advocates. Consent terms are taken on record and marked "X" for the identification. Undertakings recorded if any in the consent terms are accepted.

4. The suit is disposed of in terms of the consent terms.

5. All the parties to act upon the authenticated copy of this order.

6. In view of the disposal of the Suit (L) No. 1253 of 2018 nothing survives in the Notice of Motion (L) No. 2142 of 2018 and the same is also disposed of.

7. In view of the parties having settled the dispute in Suit (L) No. 1253 of 2018 and as the parties have agreed the consent terms for grant of probate, the hearing of the Testamentary Suit is expedited.

(R.D. DHANUKA, J.)