

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 228 OF 2015
IN
TESTAMENTARY PETITION NO. 1009 OF 2014**

Mahesh Kishinchand Lilani ...Plaintiff
Versus
Nandkumar Kishinchand Lilani ...Defendant

Ms Minal Chandnani, *for the Plaintiff.*
Mr MS Topkar, *for the Defendant.*

CORAM: G.S. PATEL, J.
DATED: 23rd August 2021

PC:-

1. Consent Terms are tendered in this Petition for Letters of Administration with Will annexed. The Caveator is present in Court, although, in my view he should not have been asked to come to Court given his age and health. His presence is noted.

2. I am satisfied that the Consent Terms are in order, not contrary to law and have been drawn by the parties of their own volition in reflection of their true intentions. The Consent Terms are taken on record and marked 'X' for identification with today's date.

ASHWINI
HULGOJI
GAJAKOSH

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ASHWINI HULGOJI
GAJAKOSH
Date: 2021.08.24
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3. The undertakings in the Consent Terms are accepted as undertakings to the Court.
4. The Testamentary Suit is disposed of in accordance with the Consent Terms. The decree will be drawn accordingly.
5. A soft copy of the Consent Terms will be uploaded as the second order in the matter.
6. The Registry is to ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.
7. The demand draft of Rs. 11 lakhs mentioned in clause 3 has been handed over in Court today and this is noted.
8. To effect the property transfers contemplated in the Consent Terms, liberty to the parties to present a certified or authenticated copy of these Consent Terms and a certified or authenticated copy of this order before the Collector of Stamps or Sub-Registrar of Assurances, if required.
9. The Plaintiff and Defendant are brothers. These Consent Terms are therefore in the nature of family arrangement and will be regarded by all authorities as such.
10. Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act

and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

11. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)