

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO. 2009 OF 2020
IN
TESTAMENTARY SUIT NO. 21 OF 2018**

Siloo Anklesaria & Ors	...Applicants
<i>In the matter between</i>	
Mohammed Salim Jaffery	...Plaintiff
<i>Versus</i>	
Tayebali Alibhai Rajkotwala & Ors	...Defendants

**Ms Vidhya N Shet, with MA Vaid, SI Ansari & KN Mora, for the
Plaintiff.
Mr Prerak Choudhary, for the Applicant.**

**CORAM: G.S. PATEL, J
DATED: 17th September 2021**

PC:-

1. At the request of the learned Advocate for the Applicant, Interim Application No. 2009 of 2020 is dismissed as withdrawn.

TESTAMENTARY SUIT NO. 21 OF 2018

2. The Testamentary Petition is for Letters of Administration with Will annexed. There were two Caveats filed by Tayebali Alibhai Rajkotwala and Nafisabai Alibhai Rajkotwala. They have now filed

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an Affidavit dated 2nd September 2021, which is on file, confirming that there are Consent Terms dated 22nd April 2021 in the Notice of Motion. In paragraph 2 they further confirm that in furtherance of an understanding between the Plaintiff and themselves and various others, the two Caveators have decided to withdraw their objections. They confirm that they have understood the legal implications of affirming this Affidavit and that they have signed it of their own volition. In paragraph 4, they specifically give consent to the grant of Letters of Administration with Will annexed.

3. The contents of the Affidavit are noted. The Caveat or Caveats filed by the Caveators are discharged in view thereof.

4. The Petition for Letters of Administration with Will annexed is thus uncontested and will proceed accordingly before the Registry. The Registry is requested to process the Petition and issue the grant as expeditiously as possible.

5. The Testamentary Suit is disposed of in these terms.

6. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)