

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
TESTAMENTARY AND INTESTATE JURISDICTION  
TESTAMENTARY SUIT NO. 74 OF 2015**

**IN**

**TESTAMENTARY PETITION NO. 55 OF 2014**

Nicholas Louis Mathias Alias Louis Mathias ...Plaintiff

*Versus*

Marcel Mathias ...Defendant

**AND**

**TESTAMENTARY SUIT NO. 64 OF 2015**

**IN**

**TESTAMENTARY PETITION NO. 111 OF 2014**

Nicholas Louis Mathias Alias Louis Mathias ...Plaintiff

*Versus*

Marcel Mathias ...Defendant

SHEPHALI  
SANJAY  
MORMARE

Digitally signed by  
SHEPHALI SANJAY  
MORMARE  
Date: 2022.03.23  
10:24:50 +0530

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**Mr Chacko Joseph, with Kusum Poojary, for the Plaintiff.**  
**Mr GS Bhat, for the Defendant.**

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**CORAM: G.S. PATEL, J**

**DATED: 4th October 2021**

**PC:-**

1. Parties have settled their disputes. The Defendants are withdrawing their Caveat. This is noted. The Suits are, therefore, decreed.
2. The Petitions are made absolute and will proceed to the grant of probate.
3. The parties have filed signed Consent Terms. The signatories are present in Court. The Consent Terms are taken on record and marked 'X' for identification with today's date. 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.
4. The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.
5. After the grant of probate, parties have agreed on certain division and distribution of properties. This is acceptable and is in the nature of a family settlement. It will be treated by all authorities as such.
6. Drawn up decree/order is dispensed with. Liberty to the parties to apply for the drawn up decree/order should the need arise.
7. Liberty to the parties to place a certified, authenticated or a digitally signed copy of this order and of the Consent Terms before

the Collector of Stamps or the Sub-Registrar of Assurances or both for effecting transfer contemplated in the Consent Terms.

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

9. 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.

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. The signatories are present in Court.

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

**(G. S. PATEL, J)**

**Note:** This order is modified as per order dated 15th March 2022.