

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**TESTAMENTARY SUIT NO. 27 OF 2015
WITH
TESTAMENTARY PETITION NO. 1494 OF 2014**

Niraj Mohan Chavande ... Plaintiff/Petitioner

Versus

Nikhil Chandrakant Birje ... Defendant/Respondent

**WITH
CAVEAT NO. 42 OF 2015
IN
TESTAMENTARY PETITION NO. 1494 OF 2014**

**WITH
NOTICE OF MOTION NO. 195 OF 2018
IN
TESTAMENTARY SUIT NO. 27 OF 2015**

Mr. Sunil Lalla for the Plaintiff/Petitioner.
Mr. G.K. Tripathi for the Defendant.
Mr. Nikhil Chandrakant Birje Defendant, present.

CORAM : R.I. CHAGLA, J.

DATED : 23rd AUGUST, 2022.

ORDER :

1 Parties have settled their disputes. Consent Terms dated
23.08.2022 are tendered and taken on record and marked 'X' for

identification. These are signed by the Defendant, the Beneficiary -Sachin Chandrakant Birje and the Advocate for the Defendant and the Advocate for the Beneficiary. The Defendant seeks leave of this Court to withdraw the Caveat filed in the Testamentary Suit No.27 of 2015. Leave is granted. The Caveat filed by the Defendant stands discharged.

2 By these Consent Terms the Defendant and Beneficiary have agreed to settle the entire dispute amicably and filed the Consent Terms.

3 The learned Counsel appearing for the Plaintiff/Petitioner has sought leave of this Court to withdraw the Testamentary Suit and Testamentary Petition.

4 The Testamentary Suit and the Testamentary Petition stands disposed of and withdrawn in accordance with the Consent Terms taken on record and marked 'X'.

5 In view of the disposal of the Testamentary Suit and the Testamentary Petition, the Notice of Motion stands disposed of. The pending Applications if any, stands disposed of.

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

7 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.

8 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.

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

Digitally signed
by WAISHALI
SUSHIL
WAGHMARE
Date:
2022.08.29
10:49:33
+0530

(R.I. CHAGLA, J.)