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

TESTAMENTARY SUIT NO.58 OF 2021
IN
TESTAMENTARY PETITION NO.642 OF 2020

Ashok Basant Kumar Shroff

...Plaintiff

Versus

Meenakshi Krishnamohan Agarwal

...Defendant

Surosh Rajeshwar for the Plaintiff.

Susan Abraham for Defendant No.1.

Meenakshi Agarwal, Defendant No.1 is present.

Cesar Pereira for Defendant No.2.

CORAM : R.I. CHAGLA J.

DATE : 22ND JULY, 2022

ORDER :

1. The parties have settled their disputes. Consent Terms dated 22nd July, 2022 are tendered and taken on record and marked 'X' for identification with today's date. These are signed by the Power of Attorney of the Plaintiff as well as the Advocate for the Plaintiff, the daughter of the deceased who is sought to be joined as Defendant No.2 and the Advocate for proposed Defendant No.2 and by

Defendant No.1 through Power of Attorney as well as the Advocate for Defendant No.1.

2. As per clause 1 of the Consent Terms, leave has been sought to join the daughter of the deceased Ms. Shobha Dewan as Defendant No.2 in the captioned Testamentary Suit. Leave is granted. Amendment shall be carried out forthwith. Re-verification is dispensed with.

3. Appended to the Consent Terms are the Special Power of Attorney authorising the Power of Attorney holder of the Plaintiff as well as the Power of Attorney holder of Defendant No.2 and the Power of Attorney holder of the Defendant No.1 to execute the Consent Terms.

4. 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.

5. The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.

6. The Caveat filed by the Defendant No.1 is discharged in accordance with the Consent Terms.
7. The Testamentary Suit is disposed of and decreed in accordance with the Consent Terms.
8. The Interim Applications, if any, filed do not survive and are accordingly disposed of.
9. Drawn up decree/ order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.
10. A soft copy of the Consent Terms will be uploaded as the second order in the matter.
11. 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.
12. 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.

[R.I. CHAGLA J.]