

Chaitali

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

TESTAMENTARY SUIT. 46 OF 2017
IN
TESTAMENTARY PETITION NO. 1425 OF 2016

Dhanesh Madhusudan Ruparel

...Plaintiff

Versus

Avanti w/o Col. Jeremy PR Ismail (Rtd.) Nee
Avanti Pralhad Mehta Through C.A. Nukul
Mehta And Anr.

...Defendants

Mr. Karl Tamboly a/w. Mrs. Nandini Joshi and Ms. Preeti Agarwal i/b
Harish Joshi & Co. for the Plaintiff

Ms. Varshini Sunder i/b Khaitan & Co. for Defendants.

CORAM : R.I. CHAGLA J

DATE : 18TH NOVEMBER, 2022

ORDER :

1. Learned Counsel appearing for the Plaintiff has sought leave to
withdraw Testamentary Suit No. 46 of 2017.

2. This is in view of the consent terms dated 4th October, 2022
having been filed in Suit No. 347 of 2017 and in which Consent

Terms at paragraph 12, the parties have agreed and undertaken that upon execution of the Consent Terms, and the same being taken on record by this court in the said Suit, the parties shall at the earliest, unconditionally withdraw all pending legal proceedings (as set out in Annexure-1-A), without any recourse to re-agitate the claims made therein, save and except under the present Consent Terms, and orders passed thereon. The Consent Terms having been taken on record by this court by order dated 13th October, 2022 and the suit having been disposed of and decreed in accordance with the Consent Terms, the Plaintiff has prayed to withdraw the present Suit.

3. In view thereof, Testamentary Suit No. 46 of 2017 and Testamentary Petition No. 1425 of 2016 is disposed of as withdrawn.

4. In view of disposal of the Testamentary Suit, the Interim Applications, if any, do not survive and are disposed of accordingly.

5. 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.]