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

TESTAMENTARY PETITION NO.305 OF 2022

Jyoti Chandrakant Amberkar ...Petitioner

Versus

Bhiva Chandrakant Amberkar and Anr. ... Caveators

And

Rajani Chandrakant Amberkar ...Deceased

Ms. Yogita Deshmukh Chitnis for the Petitioner.

Mr. Chaitanya S. Kotnis for the Caveator.

CORAM : R.I. CHAGLA J.

DATE : 10TH NOVEMBER, 2022

ORDER :

1. The parties have settled their dispute. Consent Terms dated 10th November, 2022 are tendered and taken on record and marked 'X' for identification. These are signed by the Petitioner and the Advocate for the Petitioner as well as by Caveator Nos.1 and 2 as well as by the Advocates for the Caveator Nos.1 and 2. The parties are present in Court.

2. By this Consent Terms, the Petitioner and the Caveators / proposed Defendants have arrived at an amicable settlement and the terms of which have been set out in Clause 5 of the Consent Terms. In Clause 6 of the Consent Terms, the parties to the Consent Terms have undertaken to abide by the Consent Terms. The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.

3. The Caveators / proposed Defendants have applied for withdrawal of the Caveats in terms of the Consent Terms. Accordingly, the Caveats filed by the Caveators / proposed Defendants stand discharged.

4. The learned Counsel appearing for the Petitioner has sought leave to withdraw the Testamentary Petition bearing No.305 of 2022 in view of the settlement arrived at between the parties as reflected in the Consent Terms marked 'X'. Leave is granted. Testamentary Petition No.305 of 2022 is disposed of as withdrawn.

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

6. 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.

7. 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.]