

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

**TESTAMENTARY SUIT NO. 113 OF 2021
IN
TESTAMENTARY PETITION NO. 396 OF 2021**

Silloo Jamshed Motafram	...	Deceased
And		
Ardeshir Maneck Patel & Anr.	...	Plaintiffs/Petitioners
Versus		
Kerban Anklesaria	...	Defendant

Mr. Karansingh Shekhawat a/w Yogesh Salunke for the Plaintiffs.
Ms. Sanober P. Nanavati for the Caveator.
Plaintiff No.1 present in Court.
Defendant present in Court.

CORAM : R.I. CHAGLA, J.
DATED : 2nd AUGUST, 2022.

ORDER :

1 The parties have settled their disputes. Consent Terms dated 01.07.2022 are tendered and are taken on record and marked 'X' for identification. These are signed by the Plaintiff/Petitioner No.1 and Plaintiff/Petitioner No.2 as well as Advocate for the Plaintiffs/Petitioners and by the Defendant as well as Advocate for the Defendant. Appended to the Consent Terms is copy of draft of the affidavit by

Caveator/Defendant. The learned Counsel appearing for the Caveator/Defendant tenders original affidavit by Caveator/Defendant dated 01.07.2022, which is taken on record. The Plaintiff/Petitioner No.1 and the Defendant are present in Court. Petitioner No.2 is a wheelchair patient and his presence is dispensed with.

2 As per the affidavit dated 01.07.2022 filed by the Caveator/Defendant, the Caveator has agreed to withdraw the caveat filed in the Testamentary Petition and by which the Testamentary Petition shall be converted into the captioned Testamentary Suit. Accordingly, the caveat stands discharged as withdrawn.

3 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 recorded in the Consent Terms shall be accepted as undertakings to the Court.

5 Testamentary Suit stands converted into the Testamentary Petition upon caveat being discharged.

6 Drawn up decree/ order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.

7 A soft copy of the Consent Minutes of Order will be uploaded as the second order in the matter.

8 The Registry is to ensure that the hard copy of the signed Consent Minutes of Order is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

9 Testamentary Department shall process the captioned Testamentary Petition No.396 of 2021 which is filed for probate of the Will annexed to the property and credits of the deceased Silloo Jamshed Motafram, expeditiously.

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

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.08.04
17:54:26
+0530

(R.I. CHAGLA, J.)