

Sharayu Khot.

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

TESTAMENTARY PETITION NO. 2544 OF 2019

WITH

CAVEAT (L) NO. 10 OF 2020

WITH

WILL NO. 971 OF 2019

IN

TESTAMENTARY PETITION NO. 2544 OF 2019

Amin Mehboob Daulat Khan

...Petitioner

And

Mr. Mayer James Isidor D'almeida

...Deceased

Amin Mehboob Daulat Khan, Petitioner in person present.

Ms. Meena Ruparel for the Caveator.

AND

TESTAMENTARY SUIT NO. 145 OF 2019

IN

TESTAMENTARY PETITION NO. 654 OF 2019

WITH

CAVEAT NO. 185 OF 2019

WITH

TESTAMENTARY PETITION NO. 654 OF 2019

SHARAYU
PANDURANG
KHOT

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Cecelia Mayer James Isidor Dalmeida ...Petitioner

And

Mayer Isidor Dalmedia alias Mayer James ...Deceased
Isidor D'almedia

Ms. Meena Ruparel for the Petitioner

Amin Mehboob Daulat Khan, Caveator in person present.

CORAM : R.I. CHAGLA J

DATE : 2 May 2022

ORDER :

1. Testamentary Suit No. 145 of 2019 in Testamentary
Petition No. 654 of 2019 is not on board. Taken on board.

2. The parties have settled their disputes. Consent
Terms dated 27th April 2022 are tendered. The Consent Terms
are taken on record and marked '**X**' for identification with
today's date. These are signed by the Petitioner and the
Caveatrix. The Petitioner appears in person and is present in
Court. The learned Advocate for the Caveator is also signed the
Consent Terms.

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

5. In paragraph 9, it is stated that the Petitioner is unconditionally withdrawing the above Testamentary Petition No. 2544 of 2019 as well as unconditionally withdrawing the Caveat No. 185 of 2019 filed by the Petitioner in Testamentary Petition No. 654 of 2019.

6. In view thereof, Testamentary Petition No. 2544 of 2019 is disposed of as withdrawn in accordance with the Consent Terms.

7. Caveat No. 185 of 2019 filed by the Petitioner in Testamentary Petition No. 654 of 2019 is discharged. Caveat (L) No. 10 of 2020 in Testamentary Petition No. 2544 of 2019 is also discharged.

8. In view of discharge of Caveat, Testamentary Suit No. 145 of 2019 in Testamentary Petition No. 654 of 2019 does not survive and is disposed of.

9. In view of the disposal of Testamentary Suit No. 145 of 2019, office to process Testamentary Petition No. 654 of 2019.

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

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

12. 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.

13. Court fees in Testamentary Petition No. 2544

of 2019 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.]