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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 182 OF 2014
IN
TESTAMENTARY PETITION NO. 493 OF 2014

Smt. Rashmi Ravikant Poyekar alias

Smt. R.M. Poyekar widow of

Ravikant Shankar Poyekar

... Deceased

Sanjay Balkrishna Shinde

... Plaintiff

Vs.

Pandharinath Shankar Poyekar & Ors.

... Defendants

Mr. Ajit Karwande for Plaintiff.

Ms. Rina Kundu for defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 23rd DECEMBER 2022

P.C. :

1. The parties have today tendered consent terms by which they have resolved all the disputes and differences in Suit no. 182 of 2014. The consent terms are signed by the Defendants as also the Plaintiff. Parties are present in Court today and are identified by their respective advocates.

2. It is noticed that Defendant No. 3 has signed the consent terms in Marathi. She confirms that the contents of the same have been explained to her by her advocate and she has signed the consent terms knowingly and with knowledge of

what is stated therein. The learned advocate for Respondent No. 3 also confirms she has personally read and explained the consent terms to Respondent No. 3. In light of this the consent terms taken on record and marked Exhibit "X" for identification. For the ease of reference the said consent terms are scanned and reproduced as under :-

Coram :- Arif S. Doctor, J.
Date :- 23/12/22
"X"

23/12/22

IN THE HIGHER COURT OF JUDICATURE AT
BOMBAY

WILL NO 208 OF 2014

TESTAMENTARY AND INTESTATE JURISDICTION

PETITION NO 493 OF 2014
IN
SUIT NO 182 OF 2014

PETITION FOR PROBATE OF THE PROPERTY OF LATE
SMT. RASHMI RAVIKANT POYEKAR Deceased
Sanjay Balkrishna ShindePetitioner (Plaintiff)

V/s.

1) Pandharinath Shankar Poyekar
2) Subhash Shankar Poyekar
3) Kanchan Kisan WadkarDefendants
(Caveator)

CONSENT TERMS

The Plaintiff (Petitioner) and Defendants (Caveator) settle their dispute out of court on following terms

1) The Caveators herein Shri. Pandharinath Shankar Poyekar the deceased husband's brother of the testator having Aadhar Card No 589842991239; PAN No BBXPP5519E, Shri. Subhash Shankar Poyekar the deceased husband's brother of the testator having Aadhar Card No 862399101262; PAN No ACBPP6925G and Smt. Kanchan Kisan Wadkar the sister of the deceased husband of the testator having Aadhar Card No 807867491014; Hereby withdraw the Caveat and

affidavit in support of Caveat unconditionally and they have no objection for the Grant of Probate to be issued to the Executor of the Will Mr. Sanjay Balkrishna Shinde on the following conditions.

- 2) We the Defendants (Caveators) hereby agreed, declare and confirmed that the Executor Mr. Sanjay Balkrishna Shinde on behalf of sole beneficiary, the brother of the deceased Mr. Manohar Dhondur Ukarde has given a D.D. of Rs. 5,00,000.00 (Rupees Five Lacks Only) drawn on 'Indian bank' being Demand Draft Number 808699 dated 28.09.2022, a second Demand Draft of Rs. 2,50,000.00 (Rupees Two Lack fifty thousand Only) drawn on 'Saraswat bank' being Demand Draft Number 001621 dated 29.10.2022 and by third Demand Draft of Rs. 2,50,000.00 (Rupees Two Lack fifty thousand Only) drawn on 'Saraswat bank' being Demand Draft Number 001634 dated 19.11.2022. All the Demand Drafts are given by Mr. Sanjay Balkrishna Shinde on behalf of Mr. Manohar Dhondur Ukarde; total Rs 10,00,000/- (Rupees Ten Lacks only) to Mr. Pandharinath Shankar Poyekar. As per testamentary declaration of the deceased and remaining Item No 3 and 4 of schedule I property

being Item No (3) Bank of Maharashtra Saving Bank account No 20096694837; Andheri (East) Branch amount of Rs. 18,000/-; wherein no nomination is on record, the amount with accrued interest and Item No (4) as Post Office, Nagardas Road, Andheri (East); Public Provident Fund Account No. 12511 amount of Rs 25,500/- as full and final settlement for withdrawal of respective caveat.

- 3) It's agreed declared and confirmed by the caveator; that caveator's (Defendant's) has no objection for the act of the sole executor of the deceased Mr. Sanjay Balkrishna Shinde, as per "Schedule I", Item No 1 as Household goods wearing apparels etc. and item no 2 of the credits and properties of the deceased as Room No. 2, Kantilal Compound, "Shyamlal Chwal, Andheri (East), Mumbai 400093, Photo pass (Peach Card No. 23ANKE011748) to be handed over to the sole beneficiary and brother of the deceased Mr. Manohar Dhondur Ukarde, as his property.
- 4) It's agreed declared and confirmed by the sole executor Mr. Sanjay Balkrishna Shinde that within four months of this execution of this consent terms and on receipt of Grant; the sole executor shall approach the

"Bank of Maharashtra" and "Post office, Nagardas Road-Andheri" to close down the accounts and hand over the amount with accumulated interest to Mr. Subhash Shankar Poyekar, the caveator No 2.

5) It's agreed declared and confirmed by the caveators being Mr. Pandharinath Shankar Poyekar, the senior brother-in-law of the deceased, Mr. Subhash Shankar Poyekar, the brother-in-law of the deceased and Smt. Kanchan Kisan Wadkar the sister-in-law of the deceased so as sole beneficiary Mr. Manohar Dhondur Ukarde the brother of the deceased and Smt. Supriya Sudhakar Poyekar, the daughter of the deceased sister has no objection for the clause of the consent terms referred above, as such the Consent Affidavit of Mr. Manohar Dhondur Ukarde and Smt. Supriya Sudhakar Poyekar is on record, therefore their presence while recording consent terms shall be dispense with.

6) In the background we the caveators have "No Objection" to grant of probate of last will of testament of deceased Smt. Rashmi Ravikant Poyekar dated 25th May 2013 to the sole Executor of the deceased Mr. Sanjay Balkrishna Shinde.

7) No order for cost

1. Defendant (caveator) No 1
Pandharinath Shankar Poyekar

2. Dependent (caveator) No 2
Subhash Shankar Poyekar

3. Dependent (caveator) No 3
Kanchan Kisan Wadkar

Identified by

Explained & Interpreted
in Marathi to the
Defendant no 3

Advocate for
defendants -

Advocate for the Defendants (caveators)

Mrs. Rina Kundu

MAH/ Reg. No. 13058 /2013

Cell no. 9324903174.

Email:- rinakundu50@gmail.com

Mr. Sanjay Balkrishna Shinde
The Plaintiff (Petitioner)

Identified by

Advocate for the Plaintiff

Ajit S Karwande.

Bar Counsel Registration No.

MAH/811/1985

Email : akarwande@gmail.com

Mob : 9820291650

4. The suit is therefore disposed of in terms of the consent terms.
5. Refund of Court fees, if any, as per Rules. Office to take requisite steps in terms of the consent terms.

(ARIF S. DOCTOR, J.)