

(Corrected as per Speaking to Minutes of order dated 29.09.2023)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY SUIT NO.5 OF 2013

IN

TESTAMENTARY PETITION NO.1677 OF 2012

Mahendra Laxmi Shankar Joshi ... Plaintiff

Vs.

Shravan Laxmi Shankar Joshi alias Shravan Laxmi

Narayan Joshi ... Defendant

WITH

INTERIM APPLICATION NO.5385 OF 2022

IN

TESTAMENTARY SUIT NO.6 OF 2013

IN

TESTAMENTARY PETITION NO.1679 OF 2012

WITH

CTS (L) NO.19040 OF 2022

IN

TESTAMENTARY SUIT NO.6 OF 2013

Mr. Rohaan Cama a/w. Ms. Mansi Kaku i/b. M/s. Dhaval Vussonji & Associates
for Plaintiffs / Petitioners.

Ms. Natasha Bhot for all the Caveators - Shashank Dave, Sushila Joshi, Sameer
Joshi, Saumil Joshi and Dwaresh Joshi.

A. N. Pereira for Caveator – Usha Oza.

CORAM : MANISH PITALE, J.

DATE : SEPTEMBER 27, 2023

P.C. :

Learned counsel appearing for the parties in these two suits jointly submit that the disputes are now settled and that consent terms have been executed in both the suits.

2. It is pertinent to mention here that by order dated 15.09.2023, this Court had directed issuance of fresh citations to Veena K. Lamba and Varsha S. Dwivedi, who are also heirs of the deceased person. This Court had also permitted the petitioners to carry out publication of the

citations to the said individuals in two newspapers. This Court is informed that the said direction has been complied with. But, the learned counsel for the parties submit that in that light, while this Court may allow the present proceedings, the consequential issuance of probates may be deferred to a date after 07.10.2023, when the period of 14 days from the publication expires.

3. The consent terms in both the suits are taken on record and marked 'X' and 'X1' respectively. They are signed by the parties, who are present in Court. The parties are identified by their respective advocates.

4. As a consequence of the consent terms being taken on record and as per the consent terms, the caveats stand withdrawn. Consequently, both the suits stand restored as testamentary petitions bearing Testamentary Petition Nos.1677 of 2012 and 1679 of 2012 respectively.

5. The undertakings given in the consent terms are accepted as undertakings given to this Court. The parties are directed to abide by respective obligations as per the consent terms in both the petitions.

6. Both the testamentary petitions are allowed in terms of prayers made therein. Consequently, probates be issued by the concerned department within six weeks from 07.10.2023.

7. Pending applications, if any, also stand disposed of accordingly.

(MANISH PITALE, J.)

Minal Parab