

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

TESTAMENTARY SUIT NO. 95 OF 1998

IN

PETITION NO. 946 OF 1998

Osborne Dias & Anr.

... Plaintiffs

Vs.

Brett Musson & Ors.

... Defendants

Mr. Rajesh Shah a/w Mrs. Yasmin Bhansali, Ms. Prachi Singh & Ms. Tina Surela
i/by Yasmin Bhansali & Co. for the Plaintiffs.

Mr. Austin Fernandes i/by Mr. Denzil D'Mello for Defendant No.2(c).

CORAM : ARIF S. DOCTOR, J.

DATE : 21ST DECEMBER 2023

P.C. :

1. This Court had, by an order dated 14th December 2023, taken on record the consent terms executed between the Plaintiff and Defendant No.2(c). The said consent terms were marked 'X' for identification and the following order was passed :-

"2. The Prothonotary and Senior Master is directed to verify that the consent terms have been duly executed by all concerned and submit a report to this Court.

3. *Parties are directed to appear before the Prothonotary and Senior Master at 11.30 a.m. tomorrow i.e. 15th December, 2023 in order to enable Prothonotary and Senior Master to verify due execution of the consent terms. Parties are at liberty to produce all the relevant communication and correspondence to show that the consent terms have been duly executed by the necessary parties to the Suit."*

2. Today, in view of the above order, the Prothonotary and Senior Master has filed a Report dated 15th December 2023, which records that the consent terms have been duly and validly executed by the Plaintiff and Defendant No.2(c).

3. The record bears out that all the Defendants, save and except Defendant No.1(a), have filed their consent affidavits. Insofar as Defendant No.1(a) is concerned, Defendant No.1(a) has never entered appearance, though served. This Court, therefore, had by its order dated 16th October 2023 directed the Plaintiffs, as and by way of good measure, to serve a copy of the consent terms upon Defendant No.1(a) and Affidavit of Service dated 30th October 2023 is on record, which shows compliance of this order. There is, therefore, no reason why this long pending Suit cannot be disposed of in terms of these consent terms.

4. Hence, the Suit is disposed of in terms of the consent terms.

5. The grant of Probate is expedited. The office to act accordingly.
6. Undertakings given in the Consent Terms, if any, are accepted as the Undertakings to this Court.
7. In view of filing of Consent Terms, the Caveats, if any, are also disposed of accordingly.

(ARIF S. DOCTOR, J.)