

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

**INTERIM APPLICATION NO. 808 OF 2023
WITH
TESTAMENTARY PETITION NO. 3107
WITH
CAVEAT (L) No. 6585 OF 2022
WITH
WILL NO. 1276 OF 2021
WITH
CAVEAT (L) 16866 OF 2021
IN
TESTAMENTARY PETITION NO. 3107 OF 2021**

Sunanda Daji Zinjurte ...Applicant

In the matter between

Moti Nichaladas Dadlaney alias
Motiram @ Moti Nichldas Dadlaney ...Deceased

Daji Krishna Zinjurte ...Petitioner

**WITH
TESTAMENTARY PETITION NO. 1289 OF 2020
WITH
CHAMBER ORDER NO. 182 OF 2022
WITH
CAVEAT (L) No. 24615 OF 2021
WITH
WILL NO. 528 OF 2020
IN
TESTAMENTARY PETITION NO. 1289 OF 2020**

Motiram @ Moti Nichldas Dadlaney

...Deceased

Kirit Dahyalal Shah

...Petitioner

Mr. Jeetendra Ranawat a/w. Waquar Ahmad i/by Waquar Ahmad in
IA/808/2023 and Petitioner in TP/3107/2021.

Mr. D R Mishra for Caveator in TP/3107/2021 and Petitioner in TP/1289/2020.

CORAM : ARIF S. DOCTOR, J.

DATE : 1st March, 2023

P.C. :

1. The present Interim Application has been filed by the Applicant seeking substitution in place and stead of the Petitioner. The Petitioner passed away on 24th March, 2022. There is no objection to this Application. The present Interim Application No. 808 of 2023 is therefore allowed in terms of prayer clause (a) which reads as under:-

(a) That this Hon'ble Court may be pleased to substitute the name of the Petitioner with Applicant's name as Petitioner by carrying out the amendment to the above petition, as per Schedule annexed herewith;

2. The amendment is directed to be carried out forthwith. In view of the fact that the Petitioner was the sole executor and beneficiary of the deceased

one Moti Nichaladas Dadlaney, the Testamentary Petition will now have to be converted from the Petition for Letter of Administration with the copy of the Will annexed. Office to therefore accordingly convert and treat Testamentary Petition No. 3107 of 2021 as a Petition for Letters of Administration with a copy of the will annexed.

3. Parties submit that they have entered into Consent Terms dated 1st March, 2023 by which all disputes and differences between the parties in these proceedings have been resolved. The Consent Terms are tendered in the Court and have been duly signed by the Petitioner, Caveator and also by their respective Advocates. Parties are today present in Court. The Petitioner confirms that she is aware of the content of the Consent Terms and the same has been read over and explained to her in Marathi by her Advocate. Consent Terms are taken on record and marked 'X' for identification.

4. Caveat (L) No. 6585 of 2022 is disposed of in terms of the Consent.

5. In view of above, Caveat (L) 16866 OF 2021 is also stands discharged.

6. Testamentary Petition No. 1289 of 2020 is also dismissed as withdrawn.
7. Refund of Court fees, if any, as per rules.
8. Caveat (L) No. 24615 of 2021 and Chamber Order No. 182 of 2022 in Testamentary Petition No. 1289 of 2020 are also therefore, dismissed as withdrawn.
9. Office to expedite the grant of the Letters of Administration, subject to the Petitioner's complying with all necessary requisitions raised by the Department.

(ARIF S. DOCTOR, J)