

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO.40 OF 2012
IN
PETITION NO.1275 OF 2011

Mrs. Aruna Yashvantsinh Chad & ors.

: Plaintiffs

versus

Niraj Mahesh Asher & ors.

: Defendants.

Mr. Denzil D'Mello for the Plaintiffs.

Mr. R. S. Tripathi a/w Mr. J R Vakil i/by J. R. Vakil & Associates for the
Defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 31st MARCH 2023

P.C. :

1 Mentioned out of turn in the Morning Session.

2 Pursuant to order dated 20th January 2023 the present
Testamentary Suit had been referred to mediation. Advocate Mr. Kaustubh
Thipsay was appointed as Mediator.

3 Learned Counsel for the parties have today submitted that the
mediation has been successful. .

4 Learned Counsel for the parties have today tendered the Consent Terms executed the Learned Mediator by all the parties to the Suit thereby settling all their disputes and differences.

5 All the parties are present in Court today, save and except Defendant No.4, who is not present on account of certain ceremony which she has to attend. There is no dispute that Defendant No.4 has signed these Consent Terms, and Learned Counsel makes that statement. All the parties, who are present in Court, confirm that they have signed the Consent Terms. Plaintiff Nos.1 to 3 and Defendant Nos. 1 to 3, who are present in Court, have been identified by their respective Advocates.

6 The Consent Terms are taken on record and marked as “X” for identification.

7 The present Testamentary Suit is disposed of in terms of Consent Terms. The undertakings given in the Consent Terms are accepted as the undertakings given to the Court.

8 This Court must appreciate the efforts taken by learned Mediator Advocate Mr. Kaustubh Thipsay, in bringing about a resolution of disputes

between the parties that have been pending between the family members for over a period of 12 years.

At 2.30 pm

9 The Learned Mediator Mr. Kaustubh Thipsay appeared at 2.30 PM and mentioned the matter and submitted his Report.

10 Today, the learned Mediator has tendered his Report dated 30th March 2023 in which it is recorded that the parties have amicably resolved their disputes and have executed the Consent Terms in the presence of their advocates. The Report of the Mediator is taken on record and marked as "X-1".

(ARIF S. DOCTOR, J.)