



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INSTATE JURISDICTION

TESTAMENTARY PETITION NO. 832 OF 2014
WITH
TESTAMENTARY SUIT NO. 70 OF 2020
WITH
CAVEAT NO. 123 OF 2020
IN
TESTAMENTARY PETITION NO. 832 OF 2014

Armaity Cyrus Katrak

...Petitioner/Plaintiff

Versus

Miss Roshan Kaikashroo Madonosh
Talati Bakhtawar Mehernosh Talati

...Respondent/Defendant

WITH
TESTAMENTARY PETITION NO. 833 OF 2014
WITH
TESTAMENTARY SUIT NO. 57 OF 2020
WITH
CAVEAT NO. 101 OF 2020
IN
TESTAMENTARY PETITION NO. 833 OF 2014
WITH
MISCELLANEOUS PETITION NO. 59 OF 2015
IN
TESTAMENTARY PETITION NO. 837 OF 2006

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- Ms. Zenobia Irani for the Petitioner/Plaintiff.
- Mr. Karan Jakhar i/b L.J. Law for Respondent.

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CORAM : MANISH PITALE, J.

DATE : 25th OCTOBER, 2023.

P. C. :

MISCELLANEOUS PETITION NO. 59 OF 2015

1. In this petition seeking revocation of Probate granted by this Court, Minutes of Order, as well as Consent Terms are tendered. By the Minutes of Order, the Petitioner seeks to add her brother as

Respondent No. 2 in the petition, so as to facilitate disposal of the petition on the basis of the Consent Terms executed between the Petitioner, present Respondent and the proposed Respondent. The Minutes of Order are taken on record and marked "X" for identification.

2. Considering the fact that the proposed Respondent No. 2 is to be added as party for facilitating disposal of the petition as per the Consent Terms, it would be appropriate that the petition is permitted to be amended for adding proposed Respondent No. 2 as a party to the present petition.

3. Accordingly, as per Minutes of Order, Respondent No. 2 is added as party to the present petition.

4. Amendment be carried out forthwith. Re-verification is dispensed with.

5. Vakalatnama be placed on record on behalf of said Respondent No. 2 within a week from today.

6. The learned Counsel for the parties have tendered Consent Terms in this petition bearing Miscellaneous Petition No. 59 of 2015. The Consent Terms are signed by the Petitioner as well as both the Respondents and the parties are present in Court.

7. The Consent Terms are taken on record and marked "Y" for identification. The petition is disposed of as per the Consent

Terms.

8. The undertakings given in the Consent Terms are accepted as undertakings given to this Court. The parties are directed to abide by their respective obligations as per the Consent Terms.

9. A soft copy of the Consent Terms shall be uploaded as second order in the matter.

10. The hard copy of the Consent Terms duly signed by the parties and their Counsel, shall be retained on the file and shall not be sent for destruction in ordinary course.

11. In the light of Miscellaneous Petition No. 59 of 2015 being disposed of as per the aforesaid Consent Terms, the learned Counsel for the Petitioner in Testamentary Petition No. 832 of 2014 with Testamentary Suit No. 70 of 2020 and Testamentary Petition No. 833 of 2014 with Testamentary Suit No. 57 of 2020, seeks permission to withdraw the petitions and Suits.

12. The petitions and suits are disposed of as withdrawn.

13. Pending applications, if any, also stand disposed of.

14. Court Fees shall be refunded as per Rules.

(MANISH PITALE, J.)