

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 75 OF 2010
IN
TESTAMENTARY PETITION NO. 320 OF 2010**

Ruchira Sanjay Dalal

...Petitioner/Plaintiff

Vs.

Varsha Bhadresh Joshi

...Caveatrix/ Defendant

CONSENT TERMS

1. The Parties confirm that Late Sanjay Dalal and the Defendant were/are the only children and legal heirs of Late Rameshchandra Jamnadas Dalal and Late Nayana Rameshchandra Dalal ("the Deceased").
2. The Defendant confirms and declares that her father, Rameshchandra Jamnadas Dalal died on 12th August, 1979 leaving behind his validly executed Last Will and Testament dated 16th March, 1977 and her mother, the Deceased, died on 16th June, 2009 leaving behind her validly executed Last Will and Testament dated 2nd May, 2004 which she accepts as genuine and valid and states she has no objection to the grant of Probate in respect thereof.

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3. The Defendant hereby confirms that she has withdrawn all the notices addressed by her and/or any Advocates on her behalf to the Babulnath View Co-operative Housing Society Limited. A copy of the withdrawal letter has been handed over to the Advocate for the Petitioner/Plaintiff.
4. The Defendant confirms that she had filed the following cases/complaints against the Plaintiff/Petitioner, Late Mr. Sanjay Rameshchandra Dalal, Babulnath View Co-operative Housing Society Limited and its members and their current status is as under:

Sr. No.	Case	Status
1.	Complaint filed with the Crime Branch, Crawford Market on 20 th October, 2014.	Disposed
2.	Case No. 3529/SS/2015 filed before the Learned Metropolitan Magistrate, 40 th Court, Girgaum, Mumbai.	Disposed
3.	Case No. CC/II/ 397 of 2009 filed before the Hon-ble Co-operative Court No. II, Mumbai.	Disposed
4.	Suit No. 3068 of 2011 and all interim applications therein filed before the Hon'ble Bombay High Court.	Withdrawn.

The Defendant confirms that her Advocate has handed over to the Petitioner/Plaintiff's Advocate certified copies of the Orders passed by the respective Courts in the aforesaid cases/complaints and the Defendant confirms that her Advocate shall hand over to the Petitioner/Plaintiff's Advocate certified copies of the Orders passed by the concerned offices of the Deputy Registrar in the cases/proceedings mentioned in clause 5 below.

5. The Defendant confirms that she had also filed the following cases/proceedings against Mrs. Ruchira Sanjay Dalal, Late Mr. Sanjay Rameshchandra Dalal, Babulnath View Co-operative Housing Society Limited:

Sr. No.	Case
1.	Appeal filed before the Deputy Registrar, Co-operative Societies, D Ward, Mumbai in the year.
2.	Proceedings filed on or about 22 nd May, 2013 under Section 23 of the Maharashtra Co-operative Societies Act, 1960 before the Deputy Registrar, Co-operative Societies, D Ward, Mumbai.

The Defendant states that the papers and proceedings in the aforesaid matters filed by the Defendant under the Maharashtra Co-operative Societies Act, 1960 are not traceable in the concerned offices of the Deputy Registrar. The Defendant undertakes not to pursue either matter and undertakes to withdraw both of them when the papers and proceedings are traced.

6. The Defendant confirms that she has filed Appeal No. 42 of 2017 against the judgment of this Hon'ble Court dated 02/12/2016 granting probate of the Will of the late Rameshchandra Jamnadas Dalal in Testamentary Suit No.102 of 2012 in Testamentary Petition No.726 of 2012. The Defendant confirms that she has withdrawn the aforesaid Appeal and all interim applications filed therein.
7. The Defendant confirms that except for the cases mentioned in clauses 4, 5 and 6 hereinabove and this Testamentary Suit, no other cases/complaints have been filed by the Defendant against the late Sanjay Rameshchandra Dalal or any of his heirs and legal representatives.
8. The Defendant hereby withdraws the caveat dated 20th May, 2010 filed in the captioned Testamentary Petition and confirms that she has filed her Consent Affidavit in the captioned Testamentary Petition No. 320 of 2010.
9. The Defendant confirms that she has filed her Consent Affidavit in Testamentary Petition No. 726 of 2012.
10. The Defendant undertakes that neither she nor her heirs, executors, administrators shall apply for the membership of Babulnath View Co-operative Housing Society Limited in respect of Flat No.9 of the said Society. The Defendant confirms that she has withdrawn and will not renew the applications dated 4th November, 2009 and 11th March, 2013 made by her to the Society for membership.

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11. The Plaintiff undertakes to give her no-objection/consent to State Bank of India for withdrawal of the money amounting to Rs.8,21,006/- (Rupees Eight lakhs Twenty One Thousand and Six only), from savings account No. 10066943478, by the Defendant. The Plaintiff confirms that she and her daughters Ms. Medha Sanjay Dalal and Ms. Pallavi Sanjay Dalal, who are the only heirs and legal representatives of the late Sanjay Rameshchandra Dalal, will not have any claim to the aforesaid amount in any capacity.

12. Simultaneously with the execution of these Consent Terms, the Plaintiff has handed over to the Defendant, Demand Draft dated 24th August, 2023 bearing No.631326 drawn on State Bank of India for an amount of Rs.51,79,000/- (Rupees Fifty One Lakhs and Seventy Nine Thousand only) as full and final settlement of all her claims and of all the disputes between the parties, whether civil or criminal which, *inter-alia*, includes disputes relating to the estates of Rameshchandra Jamnadas Dalal and the Deceased and the Defendant confirms that neither she nor her heirs, executors and administrators will make any claims whatsoever, at any time in the future in respect of the estates of Rameshchandra Jamnadas Dalal and the Deceased.

13. It is hereby confirmed, agreed and declared that all the remaining movable and immovable properties forming part of the estate of the Deceased and/or the estate of Rameshchandra Jamnadas Dalal shall vest in the Plaintiff alone.

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14. The Parties herein agree and confirm that by the present Consent Terms, all the disputes amongst them stand settled. The Defendant undertakes that neither she nor her heirs, executors and administrators shall file any further suits, claims, proceedings or take any action against the Plaintiff, Ms. Medha Sanjay Dalal, Ms. Pallavi Sanjay Dalal, Mr. Suresh Manilal Mehta, Babulnath View Co-operative Housing Society Limited and its members in any Court of Law in India in future which *inter alia* is in relation to the estate of the Deceased and/or to the estate of Rameshchandra Jamnadas Dalal.
15. The Defendant undertakes to execute and register all or any deeds/documents/declarations/indemnities, as and when required by the Plaintiff or any person on behalf of the Plaintiff.
16. Undertakings given by the respective parties herein shall be an undertaking given to and accepted by this Hon'ble Court.
17. The Testamentary Suit is disposed of in terms of the aforesaid Order and the Caveat is discharged.
18. The captioned Testamentary Petition filed by the Plaintiff shall proceed as an uncontested Petition in accordance with law and all the objections taken to the grant of probate of the Will dated 02nd May, 2004 of the late Nayana Rameshchandra Dalal and allegations made and contentions taken by the Defendant in the captioned Testamentary Suit stand withdrawn.
19. Parties to act on a copy of this Order duly authenticated by the Court Officer of this Hon'ble Court.

20.Certified copy of the order is expedited.

21.Liberty to apply.

22.No Order as to Costs.

Dated this 28th day of August, 2023.

R.S. Dalal.

Ruchira Sanjay Dalal
Plaintiff

Varsha Bhadresh Joshi

Varsha Bhadresh Joshi
Defendant

K. Pamnani

Kanchan Pamnani
Advocate for the Plaintiff

Katambekar

Partner
M/s. Thodur Law Associates
Advocate for the Defendant

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Dated this 28th day of August, 2023

Kanchan Pamnani

Advocate for the Plaintiff