

(This order is corrected as per speaking to the minutes of the order dated 08.02.2024)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 126 OF 2016
IN
TESTAMENTARY PETITION NO. 1695 OF 2015**

Mahesh Digamber Mane ... Plaintiff/Petitioner
vs.
Arun Chandrakant Madan and another ... Defendants/Caveators

Mr. Ranvir Shekhawat, i/b. Raj Legal for plaintiff/petitioner.

Ms. Prabha Badadare for defendant No.1A and 2.

**CORAM : MANISH PITALE, J.
DATE : 10th NOVEMBER, 2023**

P.C. :

. The learned counsel for the parties submit that the disputes have now been settled and that the suit can be disposed of.

2. The suit arises out of Testamentary Petition No.1695 of 2015, being a petition for grant of probate of will of the deceased.

3. In the petition, there were two caveators Arun Chandrakant Madan and Neeta Lalit Chachad. The petitioner was the executor of the said will.

4. It is brought to the notice of this Court that after the petition was converted to suit, the parties have now agreed for a settlement. Under the said will dated 17.09.2012, Akash Ratikant Madan i.e. the nephew of the deceased was the sole beneficiary. It is further brought to the notice of this Court that during the pendency of the suit, on 16.06.2021, the

caveator/defendant Arun Chandrakant Madan expired. Thereafter, his wife Pallavi Arun Madan also expired on 12.08.2023. It is specifically stated that the said caveator/defendant Arun Chandrakant Madan has now only one single legal heir i.e. Siddhesh Arun Madan.

5. It is further brought to the notice of this Court that the parties have now agreed for 25% share each from the estate to be given to Akash Ratikant Madan, Ratikant Chandrakant Madan, Siddhesh Arun Madan and Neeta Lalit Chachad. It is further brought to the notice of this Court that the estate of the deceased was 25% of the ancestral property, which is now being given to Akash Ratikant Madan.

6. In the light of the aforesaid subsequent developments, an oral prayer is made on behalf of the plaintiff for amendment to the extent of bringing the name of Siddhesh Arun Madan as the sole legal heir of Arun Chandrakant Madan, on record.

7. In the interest of justice, the prayer is granted. Consequential amendment be carried forthwith. Re-verification is dispensed with.

8. The learned counsel for the parties have tendered the consent terms. The same are taken on record and marked 'X'. They are signed by all the four aforementioned parties i.e. Akash Ratikant Madan, Ratikant Chandrakant Madan, Siddhesh Arun Madan and Neeta Lalit Chachad. The advocates representing the parties have identified the signatures of the signatories to the consent terms.

9. The suit stands disposed of as per the consent terms. The undertakings given in the consent terms are accepted as undertakings given to this Court. Parties are directed to abide by their respective obligations, as per the consent terms.

10. A soft copy of the consent terms shall be uploaded as second order in the matter. A hard copy of duly signed consent terms shall be retained in the record and shall not be sent for destruction in the usual course. Court fees shall be refunded as per rules.

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

(MANISH PITALE, J.)

PRIYA
KAMBLI
Digitally
Signed by
PRIYA KAMBLI
DN: cn=PRIYA KAMBLI,
c=IN, o=PRIYA KAMBLI,
ou=PRIYA KAMBLI,
email=priya.kambli@priya-kambli.com **Priya Kambli**