

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

TESTAMENTARY PETITION NO. 2385 OF 2022

WITH

WILL NO. 999 OF 2022

IN

TESTAMENTARY PETITION NO. 2385 OF 2022

(This order is corrected as per speaking to the minutes of the order dated 13th December, 2023)

Bhagwan Parmanand Kanuga ...Deceased

Anoop Bhagwandas Kanuga ...Petitioner

Versus

Lal Parmanand Kanuga ...Caveator

WITH

CAVEAT (LODGING) NO. 23015 OF 2022

IN

TESTAMENTARY PETITION NO. 2385 OF 2022

WITH

SUIT (LODGING) NO. 32571 OF 2022

WITH

INTERIM APPLICATION (LODGING) NO. 18607 OF 2023

WITH

INTERIM APPLICATION (LODGING) NO. 39363 OF 2022

WITH

INTERIM APPLICATION (LODGING) NO. 32572 OF 2022

Lal Parmanand Kanuga ...Plaintiff

Versus

Sheroo Parmanand Kanuga & Ors. ...Defendants

- Ms. Aksha Hudda a/w Mr. Shrey Shah i/b Hudda & Associates, for the petitioner.
- Mr. Amish S. Gandhi i/b Manair Srivastava Associates, for Caveator.
- Mr. Amish S. Gandhi i/b Manair Srivastava Associates, for Applicants/Plaintiff in IAL/18607/2023 in SL/32571/2022.
- Mr. Hitesh Vyas, for Defendant Nos. 1 to 3.
- Mr. Tushad Cooper, Senior Counsel a/w Ms. Sayli Shinde i/b Kartikeya & Associates, for Defendant Nos. 4 to 10.
- Mr. Vinay Nair i/h Arun Panickar, for Defendant Nos. 11 and 12.

CORAM : MANISH PITALE, J.

DATE : 06th NOVEMBER, 2023.

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2023.12.15
11:40:27 +0530

P. C. :

1. The parties to the suit have settled their disputes and the learned Counsel for the rival parties have tendered consent Terms executed by the parties. All the parties to the Consent Terms and their respective advocates have signed the Consent Terms.
2. The Consent Terms are taken on record and marked "X" for identification.
3. It is submitted that as per the Consent Terms, the Caveator in the Probate Petition has sworn a further affidavit for withdrawing the caveat, so that the Probate Petition can be allowed. The further affidavit on behalf of the Caveator in the Testamentary Petition for Probate is also taken on record.
4. The suit is decreed as per the Consent Terms. The parties are directed to abide by their respective obligations, as per the Consent Terms.
5. The undertakings given in the Consent Terms are accepted as undertakings given to this Court.
6. A soft copy of the Consent Terms shall be uploaded as second order in the matter.
7. 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.

8. Pending applications stand disposed of.

9. Court Fees shall be refunded, as per Rules.

10. In the light of the further affidavit tendered on behalf of the Caveator leading to withdrawal of the caveat, the Probate Petition is allowed in terms of the prayer made therein.

11. It is noted that in view of the Consent Terms being executed between the parties, the claim raised by the Plaintiff against Defendant Nos. 13 and 14 stand withdrawn.

12. The Probate be issued as expeditiously as possible and in any case, within four weeks from today.

(MANISH PITALE, J.)