

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY SUIT NO. 73 of 2024

Petition for Letter of Administration to the
Property and Credits of Late. Prasad
Vithal Tidake, Hindu Indian Inhabitant of
Mumbai Married Occupation Service,
who was residing at the time of his death
at Malaysia in K.PJ Ampang Puteri
Specialist Hospital, Selangor and Funeral
in India at Flat No. B-1, G-003, Vandana
Apartments, Opp. Akashnidhi Complex,
Ramdev Park Road, Mira Road East
Taluka and District Thane 401107

...Deceased

Swati Rajnikant Gaikwad

Age 42 years Occupation Service
Residing at, 71, Colabawala House,
Shahid Bhagat Singh Road, Colaba,
Mumbai 400 005

And

Malaysia Address: Tower F, Block 1,
Level 9, Unit 03, Mutiara Ville,
Residence Persiaran Sepang,
Cyber-II, Cyberjaya, Selangor,
63 000 Malaysia

...Plaintiff

Versus

Gaikwad

V.V. Tidake

Vimal Vithal Tidake

Aged 65 years,

Having address at Flat No. B-1, G-003,

Vandana Apartment, Opp. Akashnidhi Complex,

Ramdev Park Road, Mira Road (East)

Taluka & District Thane – 401107

... Defendant

CONSENT TERMS

1. The Plaintiff above named has filed the captioned Testamentary Petition for grant of Letters of Administration and for appointing her as Administrator in respect of properties and credit of Late Prasad Vithal Tidake (hereinafter referred to as "**the Deceased**"). The Plaintiff is the wife of the deceased.
2. The Defendant is mother of the deceased and as such is one of the Class 1 heirs of the deceased. The Defendant had filed the Caveat objecting to the captioned Petition filed by the Plaintiff/Petitioner for grant of Letters of Administration and for appointing her as Administrator in respect of properties and credit of the deceased.

Prasad

V.V. Tidake

3. The Plaintiff and the Defendant being the only two legal heirs of the Deceased, have upon negotiations mutually agreed to divide the estate of the deceased in the manner appearing hereinbelow:

(a) The Parties agree, undertake, declare and confirm that the Rights, Title, Interest and Ownership in the Flat No. B-1, G-003, Vandana Apartments, Opp. Akashnidhi Complex, Ramdev Park Road, Mira Road East Taluka and District Thane 401107 admeasuring area about 700 Sq. Ft. (Hereinafter referred to as the "**Said Flat**") shall 100% (exclusively) go to the share of the Defendant i.e. Vimal Vithal Tidake.

(b) The Parties agree, undertake, declare and confirm that the Right, Title, Interest and Ownership in the remaining undistributed assets / of the Deceased viz.

(i) Joint Flat Olympeo River Side, Phase - I, Building 5/A, Room No.003, Avsare Village, Taluka Karjat, District Raigad Admeasuring area 625 sq. ft. and 330 Sq. ft. Garden (50% Prasad Tidake 50% Swati Prasad Tidake),

Swati Prasad

V.V. Tidake

- (ii) Fixed Deposits in SB A/c No.5-068586-118 and Recuring Account No. 5068586-118 approximately worth Rs. 9,77,869.00/- in Citibank, N.A. Bombay Mutual Building 293, D.N.Road, Fort, Mumbai -400 001,
- (iii) Joint SB AC. No.227201 10027257 Prasad Tidake and Swati Prasad Tidake from UCO Bank, Aalauti Elegance, Ramdev Park Road Branch, Mira Road. Dist. Thane. 401107 approximately balance Rs. 6,000/-
- (iv) Provident Fund Employee ID0203 8070 Mphasis Pvt Ltd, 101 Infinity IT Park Building 4 Gen. Arunkumar Vaidya Road, Dindoshi Mumbai — 400 097 viz. Provident Fund Number KN/1 6573/12873 approximately worth 80,000/-.

All the aforementioned assets shall 100% (exclusively) go to the share of the Plaintiff i.e. Swati Rajnikant Gaikwad.

- (c) The parties agree and acknowledge that the Deceased had no undischarged liabilities.

4. The Parties agree, declare and confirm that, to the best of parties' knowledge, the deceased Late Prasad Vithal Tidake

Swati Gaikwad

V. V. Tidake

at the time of his death left only the properties and estates as specifically mentioned in Schedule I of the Petition. Since, some of the LIC policies have already been encashed by the Defendant herein, all the balance / pending / remaining policies, Provident Fund and Bank Accounts deposits shall go entirely to the share and interest of Ms. Swati Rajnikant Gaikwad, the Plaintiff herein. However, if any other properties, movable and/or immovable, Bank Deposits in Accounts, Fixed Deposits, Shares, Securities, Receivables, Insurance Claims etc. that are discovered and found to be belonging to and/or owned by the Deceased in future, then the parties mutually agree that the Right, Title, Interest and Ownership of such properties shall entirely go to the interest of the Plaintiff and the Defendant equally.

5. The parties agree and undertake that they shall co-operate with each other in the best possible manner to effectively implement these Consent Term including but not limited to changing the names in the revenue or Society records where the aforementioned assets / properties are situated.



6. The parties agree and undertake that each party shall bear their own costs and expenses, if any, required for change in the names in revenue or Society records.
7. The parties agree and undertake to present the consent terms before Hon'ble Bombay High Court for passing the order in terms of this consent terms and dispose of the captioned Testamentary Petition and shall personally remain present to confirm the same.
8. Pursuant to the instructions of the Parties the Consent Terms have been prepared. The terms have been read over and explained to the Defendant in Marathi to the Defendant Vimal Vithal Tidake by her son Shradhanand Vithal Tidake and she has understood the same.

**Swati Rajnikant Gaikwad**

(Plaintiff)

**Vimal Vithal Tidake**

(Defendant)



Advocate for Plaintiff

Date: 09/05/2024

Place: Mumbai



Advocate for Defendant

Date: 09 May 2024

Place: Mumbai

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Petition for Letter of Administration to
the Property and Credits of Late. Prasad
Vithal Tidake ...Deceased

Swati Rajnikant Gaikwad ...Plaintiff

V/s

Vimal Vithal Tidake ...Defendant

CONSENT TERMS

Dated this 9th day of May 2024

D'Souza Anil Pascal
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