

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 1236 OF 2022**

Dr. Dara Kaikobad Dastur ... Petitioner

Thrity Dara Dastur @ Dr. (Mrs) Thrity Dara Dastur ... Deceased

**WITH
INTERIM APPLICATION (LODGING) NO. 20791 OF 2022
WITH
WILL NO. 481 OF 2022
IN
TESTAMENTARY PETITION NO. 1236 OF 2022
WITH
SUIT NO. 549 OF 2023
WITH
INTERIM APPLICATION (LODGING) NO. 26292 OF 2023
IN
SUIT NO. 549 OF 2023**

Mr. Farid Karachiwala a/w. Mr. Taher Habshe, i/b. J. Sagar Associates for petitioner in TP/1236/22 and for defendant No.2 in S/549/23.

Mr. Mohit Khanna a/w. Ms. Kinjal Shah and Mr. Pranav Narsaria, i/b. Rashmikant and Partners for applicant in IAL/20791/22 and defendant No.1 in S/549/23.

Mr. Zain Mookhi a/w. Mr. Dhaval Mehta, Ms. Bijal Gandhi, Mr. Sanjay Maji and Ms. Purva Basruri, i/b. D. M. Legal Associates for applicant/plaintiff in IAL/26292/22 in S/549/23.

**CORAM : MANISH PITALE, J.
DATE : 20th MARCH, 2024**

P.C. :

. Heard learned counsel for the parties.

2. In the order dated 15.03.2024, this Court specifically noted in paragraph No.4 that the advocate for defendant No.2 would ensure that the thumb impression of defendant No.2 is taken on another set of terms of settlement and that the same would be placed before this Court.

3. Accordingly, the parties have tendered the terms of settlement, which bear the signatures of the parties as well as the thumb impression of defendant No.2. The advocates for the parties have also signed the terms of settlement.

4. The terms of settlement taken on record on 15.03.2024 did not bear the thumb impression of defendant No.2 and hence, the terms of settlement tendered today are taken on record and marked 'Y'. The terms of settlement taken on record on 15.03.2024 shall be forthwith returned to the learned counsel for the parties.

5. The proceedings were kept today specifically for issuing appropriate directions to the newly added respondent Nos.3 to 10 in furtherance of the terms of settlement executed between the parties. Respondent Nos.3 to 10 have been served and affidavit of service is tendered. The same is taken on record.

6. The learned counsel for the parties have also tendered consent minutes of order, which contain details as regards the manner in which respondent Nos.3 to 10 will have to act in furtherance of the aforesaid settlement. The consent minutes of order are also signed by the plaintiff and defendant No.1 as also their respective advocates. The advocate for defendant No.2 has also signed the consent minutes of order.

7. The consent minutes of order dated 20.03.2024 are taken on record and marked 'Z'.
8. Respondent Nos.3 to 10 are directed to abide by the timelines specified in various clauses in the consent minutes of order. The parties shall also co-operate for achieving the aforesaid timelines. The undertakings given in the consent minutes of order are accepted as undertakings to this Court.
9. In paragraph No.24 of the consent minutes of order, a blank space is left. It is for the reason that the blank space pertains to the place where the plaintiff would be shifting her practice in future. Therefore, the consent minutes of order containing the aforesaid blank space in paragraph No.24, is taken on record. It is noted that respondent No.10 has joined the proceedings virtually.
10. In view of the above and as per the terms of settlement executed between the parties, Testamentary Petition No.1236 of 2022 and Suit No.549 of 2023 stand disposed of.
11. Soft copies of the consent minutes of order as also terms of settlement shall be uploaded as second and third order respectively in the matter. Hard copies of duly signed consent minutes of order as well as terms of settlement shall be retained in the record and shall not be sent for destruction in the usual course.
12. Accordingly, the department shall issue letters of administration in favour of defendant No.1 in Suit No.549 of 2023.

13. Liberty is reserved for the parties to mention, in case of any clarification or for further directions.

14. Authenticated and certified copies are expedited.

(MANISH PITALE, J.)

Priya Kambli