



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO.2655 OF 2024**

Ebrahim Esmail Dhariwala and Anr. ... Petitioners

Esmail Ebrahim Dhariwala @ Esmail
E. Dhariwala @ Esmailbhai Ebrahim
Dhariwala ... Deceased

WITH
CAVEAT (L) NO.28408 OF 2024
IN
TESTAMENTARY PETITION NO.2655 OF 2024

Ebrahim Esmail Dhariwala and Anr. ... Petitioners
versus

Aziz Esmail Dhariwala ... Caveator

WITH
WILL NO.1089 OF 2024

Mr. Dipen Merchant with Mr. Dhawal Giri, Mr. Akshay Sawant, Ms. Akshita Jain i/by I.V.Merchant and Co., for Petitioners.

Ms. Kejal Kamdar, for Caveator.

Mr. Ebrahim Dhariwala and Ms. Jafisa Shabbir Jamnagarwala, Petitioners present.

Mr. Aziz Dhariwala, Caveator present.

CORAM: N.J.JAMADAR, J.

DATE : 18 NOVEMBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. Learned Counsel for the parties submit that the Petitioners and the Caveator have amicably resolved the dispute and a Memorandum of family arrangement has been executed. The parties have also executed Consent Terms in accordance with the Memorandum of family arrangement. Learned

Counsel seek leave to tender the Consent Terms.

3. Leave granted.

4. This Petition is filed for Letters of Administration to the estate and credits of late Esmail Ebrahim Dhariwala. Petitioner Nos.1 and 2 are the son and daughter, respectively, of the deceased. The Caveator is another son of the deceased. The Petitioners and the Caveator are present before the Court. They admit the contents of the Consent Terms and the family arrangement dated 14 November 2024 and the execution thereof. The parties submit that they have arrived at an amicable resolution of the dispute and each of them will be entitled to 1/3rd estate of the deceased. Upon being enquired, the parties submit that they have read and understood the contents of the consent terms and they agree to abide by the same.

5. It appears that the parties have worked out a comprehensive settlement of the dispute. There does not appear any coercion or duress.

6. The consent terms are, thus, taken on record and marked 'X'.

7. All the undertakings are accepted as undertakings to the Court.

8. In view of the consent terms, the caveator seeks leave to withdraw the Caveat.

9. Leave granted.

10. Caveat stands dismissed as withdrawn.

11. The Department to now proceed with the Testamentary Petition for

grant of Letters of Administration as an uncontested Petition.

12. The Letters of Administration be granted in accordance with the distribution of assets under the consent terms 'X'.

(N.J.JAMADAR, J.)