

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

TESTAMENTARY SUIT NO. 102 OF 2024

Mahrukh Firoz Bharucha alias Mahrukh
Beriz Engineer ...Plaintiff

Versus

Jasmine Faredun Lakdavala ...Defendant

WITH

TESTAMENTARY SUIT NO. 103 OF 2024

Mahrukh Firoz Bharucha ...Plaintiff

Versus

Jasmine Faredun Lakdavala ...Defendant

Mr. Danesh Mehta, i/b M. Mulla Associates, for the Plaintiff.
Ms. Khooshnum Daviervaala, for the Defendant.

CORAM: N. J. JAMADAR, J.

DATED: 30nd SEPTEMBER, 2024

PC:-

1. Heard the learned Counsels for the parties.
2. The learned Counsels for the parties make a joint statement that the plaintiff and defendant have arrived at an amicable resolution of dispute and consent terms have been executed.
3. The learned Counsel for the parties seek leave to tender the Consent Terms.

Leave granted.

4. TS/102/2023 arising out of TP/3458/2023 is for grant of Probate of Dr. Firoz Fakirjee Bharucha's Last Will and Testament dated 24th June, 1990 and Codicil dated 5th February, 1997. Mrs. Gool Firoz Bharucha was the wife of Firoz and mother of the plaintiff and defendant. Mrs. Gool passed away on 27th October, 2019. The plaintiff has filed TP/2684/2023 which has been converted into TS/103/2023 for grant of Probate of Mrs. Gool Firoz Bharucha's Last Will and Testament dated 19th March, 1997.

5. Mahrukh Firoz Bharucha alias Mahrukh Beriz Engineer, the plaintiff, and Jasmine Faredun Lakdavala, the defendant, are present before the Court. The plaintiff and defendant, being the daughters of late Dr. Firoz Bharucha and late Mrs. Gool Bharucha, have amicably settled the dispute. They admit the contents of the Consent Terms and execution thereof. The plaintiff and defendant are identified by their respective Advocates.

6. Upon being specifically inquired, the plaintiff and defendant submit that that the testamentary petitions be disposed of on the premise that both the deceased died intestate, and they are agreeable to the division of the property in equal share.

7. It appears that the parties have voluntarily executed Consent Terms and there is no coercion or duress. The Consent Terms are taken on record and marked 'X'.
8. There shall be a decree in accordance with the Consent Terms 'X' in TS/102/2023 and TS/103/2023.
9. The undertakings given in the Consent Terms 'X' are accepted as undertakings to the Court.
10. Refund of Court fees in accordance with the Rules.
11. Drawn up decree dispensed with.
12. Consent Terms 'X' be uploaded as the second order.

[N. J. JAMADAR, J.]