

Raina Manish Shah, the beneficiary under the Will, had appeared before the Court through video conference. Mr. Sameer Shah, the brother of the deceased, had also appeared before the Court through Video Conferencing. However, Premila Pravin Shah, the mother of the deceased, who has filed caveat was not present before the Court. Therefore, the Court considered it appropriate to interact with Premila Shah to ascertain her voluntariness for the execution of the consent terms. Today, Premila Shah appeared through Video Conferencing.

5. Heena Nainesh Shah, executor (party A), Raina Shah, the Beneficiary (party B), Pramila Shah, Defendant (Party C) and Sameer Shah (Party D), the confirming party, state that they have executed the consent terms out of their own volition. The consent terms bear their signatures. They admit the contents of the consent terms. The parties are identified by their respective advocates. The witnesses have also signed the consent terms.

6. In view of the above, the consent terms appear to have been executed voluntarily. It seems that, the parties have worked out a comprehensive settlement of the dispute. The consent terms provide for the withdrawal of the various proceedings instituted by the parties.

7. The consent terms are also executory in nature as the properties are to be liquidated and the proceeds distributed in accordance with shares indicated in the consent terms.

8. Ms.Raina Shah, the beneficiary and Premila Shah, the defendant, have, in particular, admitted before the Court that they are agreeable to the distribution of the assets in the ratio of 2/3 and 1/3, respectively. Thus, the consent terms are taken on record and marked 'X' .

9. The undertakings in the consent terms are accepted as the undertakings to the Court. The parties shall act in accordance with consent terms.

10. The concerned authorities including Societies in which the subject properties are situated shall act in accordance with consent terms 'X' and render necessary co-operation in the execution of the consent terms.

11. Since, the consent terms are executory in nature and parties desire that the matter be posted for reporting compliance, list on 10th December 2024.

(N. J. JAMADAR, J.)