

Before : Shri. P. A. Jagdale,
Officer on Special Duty,
With Testamentary Department
Date :- 23rd April, 2025

FOR HEARING :

87. TP/4423/2024
(AMH20240131949C202
400003)

with
CHOL/66/2025
(AMH20240131949C202
500004)
with
WILL/1759/2024

P. C. : Shri. Shirish Mathkar a/w Ms. Swati Mathkar Ld.
Advocate for the Petitioner

1. Ld. advocate for the petitioner submitted that in the earlier petition, having Testamentary Petition No. 580/2010, filed by Mezjan Jimi Dallas and another, compromise has been arrived and the compromise has been recorded by the Hon'ble Court. Copy thereof is produced at Ex. G in this petition.

2. In the Suit NO. 43 OF 2011 IN PETITION NO. 580 OF 2010 WITH INTERIM APPLICATION NO. 810 OF 2022 WITH INTERIM APPLICATION NO. 807 OF 2022 IN SUIT NO. 43 OF 2011, compromise has been arrived at. In paragraph No 14 of the said Compromise it is stated that defendants have no objection to letters of administration (With Will Annexed) or any the grant or other proceeding filed by the plaintiffs jointly or severally. Hence, in view of this undertaking, requisition of Rule 397 of the Bombay High Court (OS) Rules, 1980 may be treated as complied with.

3. However, in paragraph No. 15 of the said compromise, the defendants have agreed to execute the documents as may be necessary. Hence, the petitioner to clarify.

4. Ld. advocate for the petitioner submitted that he has complied with the requisitions as per the Chapter XXVI of the Bombay High Court (OS) Rules, 1980, including service of the citation, etc.

5. The petitioner to state whether Homi Vesuvalla is predeceased or since deceased to Aloo Vesuvalla.

6. S.O. to 28.4.2025

23.04.2025

Officer on Special Duty,
with Testamentary Department