

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION (L) NO.23945 OF 2025
IN
TESTAMENTARY SUIT NO.185 OF 2025
IN
TESTAMENTARY PETITION NO.5125 OF 2024

Jyoti Kaushal Thakker	.. Deceased
Meenaxi Pravin Badia	.. Applicant
IN THE MATTER OF:	
Meenaxi Pravin Badia	.. Plaintiff
Versus	
Kaushal Arvind Thakker	.. Defendant

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- Mr. Aditya Udeshi a/w. Mr. Rahul Sanghvi and Mr. Netaji Gawde, Advocates i/by Sanjay Udeshi & Co. for Plaintiff.
 - Mr. Vikramaditya Deshmukh, Advocate i/by Sapana Rachure for Defendant.
 - Mr. Chetan Thakkar, C.A. of Defendant.
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 12, 2025

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Mr. Udeshi, learned Advocate for Plaintiff and Mr. Deshmukh, learned Advocate for Defendant.
- 3.** Parties have reconciled their disputes and differences and filed Consent Terms. Consent Terms dated 12.11.2025 are taken on record and marked as 'X' for identification. They are totally running into 6 pages. For reference and convenience, the Consent Terms upto

execution clause are scanned and reproduced below:-

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"X" Magallow 12/11/2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

PERMAN 5125 2024
TESTAMENTARY SUIT NO. 185 OF 2025

Mrs. Meenaxi Pravin Badia	)
Age 78 Years, Hindu Indian Inhabitant	)
of Mumbai, Occupation: Housewife,	)
Residing at 1, Siddhi Vinayak CHS, 569	)
Khushaldas Parekh Marg, Matunga East,	)
Mumbai -400 019 being the Sole	)
Executrix and beneficiary named in the	)
Last Will of the deceased abovenamed	)...Plaintiff
Versus	
Mr. Kaushal Arvind Thakker	)
citizen of USA, residing at	)
2215 Cedar Springs, #1411, Dallas,	)
Texas 75201-1860, USA	)...Defendant

CONSENT TERMS

1. The Plaintiff is the mother of late Jyoti Kaushal Thakker (hereinafter referred to as "**the Deceased**") and the executrix of the last Will and Testament of the Deceased dated 30.12.2019 (hereinafter referred to as "**the said Will**").
2. The Defendant is the husband of the Deceased. The Plaintiff has filed an application for probate of the said Will of the Deceased.
3. The Defendant filed a Caveat and an Affidavit in Support thereof, challenging the said Will, *inter alia*, to the extent it mentioned the property being Flat No. 503 (combined Flat Nos. 503, 504 and 505) admeasuring 1216 square feet carpet area, 5th Floor, Meru Heights, 268 Telang Road, Matunga- 400 019 at Meru Heights (hereinafter referred to as "**Meru Heights Flat**") which belonged to the Defendant.
4. On account of the aforesaid challenge, the Testamentary Petition seeking probate of the said Will stood converted into the captioned Testamentary Suit.
5. During the pendency of the captioned Testamentary Suit, the Plaintiff filed an Interim Application being Interim Application

(L) No. 23945 of 2025 seeking dismissal of the Caveat on the grounds as more particularly stated therein.

6. The Parties have, pending the hearing of the captioned Testamentary Suit and the aforesaid Interim Application, amicably arrived at a settlement and agreed to put an end to all disputes on the following terms:-

- (a) The Plaintiff hereby deletes the Meru Heights Flat from the Schedule of Assets of the Deceased annexed to the Testamentary Petition and hereby undertakes to make no claim whatsoever in the future in respect of the Meru Heights Flats either by herself or through her heirs, executors, administrators and assigns.
- (b) In view of the above settlement, the Defendant withdraws his caveat and Affidavit in Support thereof and accordingly, withdraws his challenge to the said Will and consents to the grant of probate of the said Will after the exclusion of the Meru Heights Flat from the schedule of assets.
- (c) It is further agreed, declared and confirmed that Meenaxi Pravin Badia, as well as all her heirs, executors,

administrators and assigns hereby waive their right to initiate any legal proceedings or claim any monetary relief of whatsoever nature against the Defendant in the future pertaining to the Meru Heights Flat.

7. The present Testamentary Suit be disposed of in terms of these Consent Terms.
8. The parties jointly pray that this Hon'ble Court be pleased to issue necessary directions to the Department to expedite issuance of Probate of the said Will of the Deceased.
9. The parties further pray that this Hon'ble Court may be pleased to pass no order as to costs.

Dated this 12th day of November 2025

Meenaxi. P. Badia.

Plaintiff
Meenaxi Pravin Badia

Kaushal Arvind Thakker

Defendant
Kaushal Arvind Thakker
Through constituted attorney
Chetan Arvind Thakker

for M/s. Sanjay Udeshi & Co.,
Advocates for the Plaintiff

Sapana
Ms. Sapana Rachure
Advocate for the Defendant

4. Consent Terms are executed by Plaintiff - Meenaxi Pravin Badia, Advocate for Plaintiff – M/s. Sanjay Udeshi & Co., Defendant - Kaushal Arvind Thakker; Advocate for Defendant – Ms. Sapana

Rachure. Parties have been identified by their respective Advocates.

5. Rights and obligations stated in the Consent Terms are taken as undertaking given to this Court. Parties are directed to abide by the same.

6. Order in terms of Consent Terms.

7. Needless to state that issuance of Grant in view of aforesaid disposal shall be issued by Department within a period of three weeks from today positively subject to removal of all office objections.

8. With the above directions, Testamentary Suit is disposed. In view of disposal of Suit, pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
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SAWANT

Digitally signed
by HARSHADA
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SAWANT
Date: 2025.11.12
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