

HARSHADA H. SAWANT
(P.A.)

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

TESTAMENTARY PETITION NO.643 OF 2024

Usha Thakurdas Mahtani	.. Deceased
Amit Vardhman Shah	.. Petitioner

WITH
CAVEAT NO.191 OF 2025
IN
TESTAMENTARY PETITION NO.643 OF 2024

Usha Thakurdas Mahtani	.. Deceased
Amit Vardhman Shah	.. Petitioner
Versus	
Sinu Rohi	.. Caveator

WITH
TESTAMENTARY SUIT NO.164 OF 2025
IN
TESTAMENTARY PETITION NO.643 OF 2024
WITH
WILL NO.274 OF 2024
IN
TESTAMENTARY PETITION NO.643 OF 2024

Usha Thakurdas Mahtani	.. Deceased
Amit Vardhman Shah	.. Plaintiff
Versus	
Sinu Rohi	.. Defendant

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- Ms. Unnati Kalvani, Advocate i/by Mr. Dharmin Sampat for Petitioner / Plaintiff.
- Mr. Madhav Shah, Advocate i/by Mr. Siddharth Desai, Advocate for Defendants.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 27, 2026

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Mr. Kalvani, learned Advocate for Petitioner / Plaintiff and Mr. Shah, learned Advocate for Defendants.
- 3.** This Petition seeks issuance of probate in respect of the last Will and Testament of Usha Thakurdas Mahtani.
- 4.** Parties have amicably settled the dispute and filed Consent Terms dated 17.03.2026.
- 5.** Consent Terms are taken on record and marked 'X' for identification.
- 6.** They are totally running into 7 pages and are executed by Advocate for Petitioner; Amit Vardhaman Shah, Petitioner (Executor); Advocate for Defendant; Sinu Roji, Defendant; Proposed Respondents - Darshan Sitaram Sonkar; Vinod Kumar Dargai Sonkar; Subhash Darshan Sonkar; Dinesh Kumar Darshan Sonkar and Chitra Mohan and Advocate for proposed Respondent.
- 7.** For reference and convenience, 7 pages of the entire Consent Terms dated 17.03.2026 are scanned and reproduced below:-

CORAM : MILIND N JADHAV, J.
Date : 27/3/2024

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTERSTATE JURISDICTION
TESTAMENTARY SUIT NO. 164 OF 2025

In

PETITION NO. 643 of 2024

Usha Thakurdas Mahtani Deceased
Amit Vardhaman Shah Petitioner
VS
Sinu Roji Defendant

CONSENT TERMS BETWEEN THE PETITIONER AND
DEFENDANT ABOVENAMED

1. Amit Vardhaman Shah herein filed Testamentary Petition for Probate. During the pendency of the petition, the above mentioned Caveators filed the caveat against the petitioner. The Petitioner and all above-mentioned Caveators and other beneficiaries have mutually agreed to amicably resolve their disputes.
2. We state that out of total 11 (Eleven) beneficiaries as appointed by Usha Thakurdas Mathani only six beneficiaries namely (1) Sinu Roji, (2) Darshan Sitaram Sonkar (3) Vinod Kumar Dargai Sonkar, (4) Subhash Darshan Sonkar (5) ✓



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- ✓ Dinesh Kumar Darshan Sonkar and (6) Chitra Mohan, have raised objection against the petition filed by the petitioner namely Amit Vardhaman Shah for probate through their respective caveats filed in this Hon'ble High Court of Bombay.
3. The all the beneficiaries, namely (1) Sinu Roji, (2) Darshan Sitaram Sonkar (3) Vinod Kumar Dargai Sonkar, (4) Subhash Darshan Sonkar (5) Dinesh Kumar Darshan Sonkar and (6) Chitra Mohan, were appointed as beneficiaries by the above mentioned deceased, namely Usha Thakurdas Mathani.
4. We state that all the other caveats filed by these beneficiaries were disposed off except the above mentioned Testamentary Suit filed by one Sinu Roji.
5. We state that the present consent affidavit Terms reflect an amicable settlement between Amit Vardhaman Shah, the Executor and the petitioner herein and (1) Sinu Roji, (2) Darshan Sitaram Sonkar (3) Vinod Kumar Dargai Sonkar, (4) Subhash Darshan Sonkar (5) Dinesh Kumar Darshan Sonkar and (6) Chitra Mohan, the (Caveators/Beneficiaries). ✓

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6. Pursuant to the settlement, we shall not pursue any caveat filed and shall withdraw all our caveat and Affidavit in support of the caveat filed by us in the above matter, if any, pending, on the following terms and conditions:
- a) That the Amit Vardhaman Shah, the Petitioner herein, has agreed not to intermeddle, use or occupy the property more particularly described at para 5 of the Will and item No. 1 in Schedule I of the Petition standing in the name of the deceased until the Probate is obtained from this Hon'ble High Court of Bombay. That the Amit Vardhaman Shah, the Petitioner herein, has agreed not to create any third-party rights over the property more particularly described at Para 5 of the Will and item No. 1 in Schedule I of the Petition standing in the name of the deceased until the Probate is obtained from this Hon'ble High Court of Bombay.
 - b) That the Amit Vardhaman Shah, the Petitioner herein, has agreed not to sell the property more particularly described at Para 5 of the Will and item No. 1 in Schedule I of the Petition standing in the name of the deceased without obtaining No Objection Certificate ✓

✓ and/or Consent from the Caveatrix herein along with all the beneficiaries.

c) That the Amit Vardhaman Shah, the Petitioner, and the Caveators, the beneficiary herein, have agreed that 33% of the total sale proceeds received after the sale of the property more particularly described at Para 5 of the Will and item No. 1 in Schedule I of the Petition standing in the name of the deceased, after obtaining of the Probate Certificate from this Hon'ble High Court of Bombay, shall be handed over to Mrs. Shirley Sabnani.

d) That the Opponents / Caveators/ Beneficiaries namely Darshan Sitaram Sonkar, Vinod Kumar Dargai Sonkar, Subhash Darshan Sonkar and Dinesh Kumar Darshan Sonkar has also agreed that the miscellaneous amount shall be deducted from the share to be received by them after the sale of the property more particularly described at Para 5 of the Will and item No. 1 in Schedule I of the Petition standing in the name of the deceased after obtaining the probate Certificate from this Hon'ble High Court of Bombay. ✓

✓
e) That all four Opponents / Caveators/ Beneficiaries namely Darshan Sitaram Sonkar, Vinod Kumar Dargai Sonkar, Subhash Darshan Sonkar and Dinesh Kumar Darshan Sonkar will share miscellaneous expenses and remaining Opponents / Caveators/ Beneficiaries namely Chitra Mohan and Sinu Roji will not share any kind of miscellaneous expenses incurred.

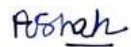
7. On execution of the present Consent Terms, the parties agree to withdraw the caveat against the Amit Vardhaman Shah. The parties hereby withdraw all the allegations made against each other.
8. It is agreed upon between the petitioner and the opponent/Caveators, that the legal expenses have been borne by executor Amit Vardhaman Shah which is to be borne by all the Opponents / Caveators/ Beneficiaries from their own pocket and also shall bear their own legal expenses.
9. It is agreed upon by and between the petitioner and the opponent/Caveators/ Beneficiaries, that apart from the claim as mentioned herein, the opponent/Caveators does not have any other claims against the petitioner. ✓

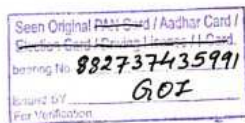
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10. The parties acknowledge that they have entered in this consent term after careful consideration and without any coercion, under influence, or misrepresentation.
11. In view of the above mentioned terms, the disputant and the opponent mutually agree and submit that the present dispute be disposed off as withdrawn.

IN WITNESS WHEREOF we all parties have set and subscribed in our hand to this writing at Mumbai. ✓

Dated this 17th day of march 2026


Advocate for Petitioner

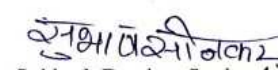

Amit Vardhaman Shah
Petitioner (Executor)




Advocate for Defendant


Sinu Roji
Defendant



 Advocate for Proposed Respondent	DARSHAN Darshan Sitaram Sonkar Proposed Respondent
 Advocate for Proposed Respondent	 Vinod Kumar Dargai Sonkar Proposed Respondent
 Advocate for Proposed Respondent	 Subhash Darshan Sonkar (i.e. Subhash Sonkar) Proposed Respondent
 Advocate for Proposed Respondent	DINESH SANKAR Dinesh Kumar Darshan Sonkar Proposed Respondent
 Advocate for Proposed Respondent	 Chitra Mohan Proposed Respondent

INTERPRETED by me in Hindi to
 Defendants and all proposed Respondents.
 Sworn Interpreter
 High Court, Bombay
 Date: 17.03.2026

SE. NO. 49
 Folios: - 19
 Date: - 17/03/2026

8. Parties who have executed Consent Terms are present before the Court. They confirm execution of the Consent Terms to the Court.

Rights and obligations stated in the Consent Terms qua parties to the Consent Terms are taken as an undertaking given to this Court. All parties shall abide by the same.

9. Order in terms of Consent Terms for disposal of Testamentary Petition.

10. In view of settlement arrived between the parties and subject to the Consent Terms, issue probate in favour of Petitioner as stated in Consent Terms as prayed for in un-numbered prayer clause of the Petition which reads thus:-

“The Petitioner prays the probate may be granted to Petitioner having effect throughout in India, Renouncing the rights of other executors viz. Dr. Manju Avtar Wadhwan for Probate and execution of the said Will.”

11. For the averments mentioned in the Petition and the above Consent Terms, Testamentary Petition No.643 of 2024 is allowed in terms of the relief prayed. Caveat No.191 of 2025 stands disposed. Testamentary Suit No.164 of 2025 is disposed.

12. Testamentary Department is directed to issue grant / probate having effect throughout the State of Maharashtra subject to all other compliances and strictly in accordance with law within a period of two weeks from today positively.

H. H. SAWANT

[MILIND N. JADHAV, J.]