

HARSHADA H. SAWANT
(P.A.)

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

TESTAMENTARY SUIT NO.90 OF 2026
IN
TESTAMENTARY PETITION NO.5528 OF 2024

Nari Manghanmal Kripalani .. Deceased

Deepak Nari Kripalani .. Petitioner

Versus

Manjeet Nari Kripalani .. Defendant

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- Mr. Nikhil M. Sansare, Advocate for Plaintiff.
 - Mr. Aaditya Miskita a/w. Ms. Aayshi Gohil, Advocates i/by M.T. Miskita & Co. for Defendant.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 30, 2026

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Mr. Sansare, learned Advocate for Plaintiff and Mr. Miskita, learned Advocate for Defendant.
- 3.** This Petition seeks Letters of Administration in respect of the properties and credits of deceased. in respect of the last Will and Testament of Nari Manghanmal Kripalani.
- 4.** Parties have amicably settled the dispute and filed Consent Terms dated 30.03.2026. They are taken on record and marked 'X-1' for identification.
- 5.** They are totally running into 14 pages and are executed by

Plaintiff; Defendant and their respective Advocates.

6. For reference and convenience, Consent Terms dated 30.03.2026 are scanned and reproduced below:-

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CORAM : MILIND N JADHAV, J.
Date : 30-3-2026
File,
Tendered in Court Adm

X-1. Dr. Jadhav 30/3/2026

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

TESTAMENTARY SUIT NO. 90 OF 2026

[Previously Testamentary Petition No. 5528 of 2024]

Petition for Letters of
Administration with Photocopy
of Will dated 24th February 1998
read with Codicil dated 6th June,
2001 annexed to the property and
credits of Late Dr. Nari
Manghanmal Kripalani, Hindu,
married, Inhabitant of Mumbai,
Occupation: Doctor, who was
residing at the time of his death
at 51, Nepean Sea Road, 58-A,
Jal Darshan, Mumbai - 400036.

...Deceased

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Dr. Deepak Nari Kripalani,)
 Hindu, Indian Inhabitant,)
 Age 71 years, occupation: Doctor, residing at,)
 92, Saranga Tower)
 Lokhandwala Complex (Rd 3))
 Andheri (West), Mumbai 400 053,)
 Being the son, class I legal heir & beneficiary)
 of the deceased abovenamed) **...Plaintiff**

Versus

Manjeet Nari Kripalani)
 Hindu, adult Indian inhabitant, Age: 65 years,)
 Occupation: Scholar, residing at Pallonji)
 Mansion, D-Gr., 43, Cuffe Parade, Mumbai)
 400 005) **...Defendant**

CONSENT TERMS**I. Parties:**



1. The Plaintiff, that is, Dr. Deepak Nari Kripalani ("Plaintiff" or "**Deepak**") is an adult, Hindu, Indian Inhabitant, aged 71 years, Occupation: Doctor, presently residing at 92, Saranga Tower, Lokhandwala Complex (Rd 3), Andheri (West), Mumbai 400 053.
2. The Defendant, that is, Ms. Manjeet Nari Kirpalani ("**Defendant**" or "**Manjeet**"), is an adult Hindu, Indian inhabitant, aged 65 years, Occupation: Scholar, presently residing at Pallonji Mansion, D-Gr., 43, Cuffe Parade, Mumbai 400 005.
3. The Plaintiff and the Defendant are the son and daughter respectively of the deceased, Dr. Nari Manghanmal Kripalani ("**Deceased**"), who passed away at Mumbai on 15th March 2006 and Mrs. Sarla Nari Kripalani ("**Sarla**"), who passed away at Mumbai on 4th July 2022. The Plaintiff and the Defendant are the only surviving legal heirs and next of kin of the Deceased and Sarla under the



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provisions Hindu Succession Act, 1956, by which they were governed at the time of their death.

II. Background of the Disputes:

4. The Deceased left behind his Last Will and Testament dated 24th February 1998 ("Will") and Codicil dated 6th June 2001 ("Codicil"). Under Clause 6 of the Will, the Deceased appointed his wife, Sarla, as the sole Executrix, and further provided that, in the event Sarla predeceased him, the Defendant would act as the Executrix of the Will. Thereafter, by the Codicil, the Deceased amended Clause 6 by inserting Clause 2, whereby he appointed his wife, Sarla, and the Defendant jointly and/or severally as the Executrices and Trustees of the Will and Codicil.
5. Further, the mother of the Plaintiff and the Defendant, Sarla, had executed two Concurrent Wills, both dated 18th May 2016. Under Concurrent Will 1, witnessed by Mrs. N. C. Sadrangani and Dr. M. M. Lalwani, Sarla appointed her son, the Plaintiff herein, as the Executor and the

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beneficiary of the bequests / legacies made therein. Under Concurrent Will 2, executed on the same date, and witnessed by one Mr. Darius B. Moos and one Dr. Jehangir Sorabjee, she appointed the Defendant as the Executrix and the beneficiary of all the bequests / legacies made therein including the entire residuary estate of Sarla.

6. Under Clause 9 of the Will, the Deceased bequeathed the clinic, being Doctors' Consulting Room No. 4 admeasuring approximately 478 sq. ft. carpet area in the building known as 'Pleasant Park', belonging to the Pleasant Park Co-operative Housing Society Limited and situate at Plot No. 65, Dr. Gopalrao Deshmukh Marg (formerly Peddar Road), Mumbai 400 026, together with the shares, all deposits standing to the credit of the said shares and unit in the records of the Society, including the sinking fund and other applicable funds ("**Pleasant Park Property**"), to his wife, Sarla, and in the event she predeceased him, to his son, Deepak, the Plaintiff herein. Since the Deceased expired on 15th March 2006, the



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Pleasant Park Property, in terms of the said Will, devolved upon his wife, Sarla and thereafter, under her Concurrent Will 1 dated 18th May 2016, Sarla bequeathed the Pleasant Park Property to her son, the Plaintiff herein.

7. Since the Plaintiff is the ultimate beneficiary of the Pleasant Park Property, it was necessary for him to obtain Letters of Administration with the photocopy of the Last Will and Testament dated 24th February 1998 and the Codicil dated 6th June 2001 executed by the Deceased, in order to perfect and transfer the right, title and interest in the said Pleasant Park Property in his favour. Accordingly, the Plaintiff instituted the present Petition. During the hearing of the Petition, citation was served upon the Defendant, being one of the legal heirs of the Deceased. Thereafter, the Officer on Special Duty, Testamentary Department, Mr. Jagdale, by an order dated 15th January 2025, directed issuance of citation to the Executrix, i.e., the Defendant, under Section 230 of the Indian Succession Act, 1925. Subsequently, the advocate for the Defendant

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informed the advocate for the Plaintiff that Defendant, in her capacity as Executrix, desires to act as such and to obtain Probate in respect of the photocopy of the Will and Codicil executed by the Deceased, as she is entitled to receive the all other properties and assets of the Deceased and of Sarla, to the exclusion of the Pleasant Park Property.

8. The Plaintiff has also filed Testamentary Petition No. 4860 of 2024 before this Hon'ble Court seeking Probate of the Concurrent Will 1 dated 18th May 2016 executed by Sarla. The said Petition is presently pending, wherein the Defendant has filed Caveat No. 70 of 2026 on 10th December, 2025. Consequently, Testamentary Petition No. 4860 of 2024 has been converted into a Testamentary Suit and renumbered as Testamentary Suit No. 65 of 2026. The Plaintiff and his sister, the Defendant herein, have arrived at an amicable settlement in the said Testamentary Suit and are filing Consent Terms therein. Likewise, the



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Plaintiff and the Defendant have mutually settled their disputes in the present Petition as well and now desire to place the present Consent Terms on record.

9. The Plaintiff and the Defendant (hereinafter collectively referred to as the "**Parties**") have now mutually agreed to amicably settle all their disputes and differences on the terms more particularly provided hereinbelow.

III. Terms of the Settlement between the Parties:

10. The Parties hereby expressly and irrevocably declare, admit, confirm and acknowledge:
- a. the parties agree that the Defendant shall convert the present Petition, being a petition for obtaining Letters of Administration into a Petition for obtaining Probate by carrying out all necessary amendments, or, if required, shall file a fresh Petition for Probate of the Photocopy of the Last

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Will and Testament dated 24th February 1998 and Codicil dated 6th June 2001 of the Deceased and the Plaintiff shall file the requisite Consent Affidavit in support of such Probate Petition being filed by the Defendant.

b. the Plaintiff shall only be absolutely entitled to the Pleasant Park Property, forming part of the estate of the Deceased according to the Will and Codicil and further bequeathed by Sarla in accordance with Concurrent Will 1 dated 18th May 2016;

c. the parties hereby admit the existence, due execution, and validity of (i) both Concurrent Wills dated 18th May 2016 executed by their mother, Sarla, and (ii) the Last Will and Testament dated 24th February 1998 together with



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the Codicil dated 6th June 2001 executed by the Deceased.

d. the Defendant shall be absolutely entitled to all other shares, stocks, and assets forming part of the estates of the Deceased and of Sarla, in accordance with the Will and Codicil executed by the Deceased and the Concurrent Will 2 dated 18th May 2016 executed by Sarla, to the exclusion of the Pleasant Park Property.

e. For the sake of clarity, it is expressly agreed between the Parties that the Plaintiff, Deepak, shall be entitled only to the Pleasant Park Property from the estates of Dr. Nari and Sarla and the Plaintiff shall have no right, title, interest or claim of any nature whatsoever in or to any other asset forming part of the estates of Dr. Nari and Sarla, including but not limited to jewellery, stock, properties, investments or any other

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movable or immovable assets. All such remaining assets shall exclusively and absolutely belong to the Defendant.

f. The Defendant shall be entitled to grant of Probate in the Present Petition filed in respect of the estate of the deceased Late Dr. Nari;

g. that they have amicably resolved and settled all their disputes, differences and / or claims in relation to and / or in respect of the estate of the Deceased and the said Sarla, respectively, and shall have no future / further claim, of whatsoever nature against each other in relation to the same;

h. not to raise any disputes or differences or challenge the existence, validity and execution of last will and testament dated 24th February 1998 and Codicil dated 6th June 2001 executed by the Deceased and the Concurrent Will 1 and



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Concurrent Will 2 both dated 18th May 2016 executed by Sarla and the respective bequest made thereunder by the Deceased and Sarla.

- i. The Defendant, after obtaining Probate in respect of the Last Will and Testament dated 24th February 1998 and Codicil dated 6th June 2001 executed by the Deceased, and after receipt of Probate in respect of both Concurrent Wills dated 18th May 2016 executed by Sarla, shall cooperate in executing a Deed of Transfer and/or any other document of whatsoever nature required for transferring of the Pleasant Park Property in favour of the Plaintiff, and shall remain present at the mutually convenient timing for the registration thereof.
- j. That both Plaintiff and Defendant shall extend all reasonable assistance and co-operation, and shall undertake all necessary acts, deeds, matters and



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things, to give effect to the present Consent Terms;

k. that the present Consent Terms and the rights and obligations as set out hereinabove shall be valid and binding on the Parties individually as also on their respective representatives, assigns, heirs and successors-in-title; and

l. that they have signed and executed the present Consent Terms absolutely of their own volition, free consent and own free will without any coercion, pressure, undue influence and / or any other influence upon them.

11. In light of the above, the Parties hereby expressly and irrevocably agree, declare, confirm and acknowledge that the present Consent Terms be taken on record and the Defendant be allowed to act as executor in respect of Last Will and Testament dated 24th February 1998 and codicil dated 6th June 2001 executed by the deceased and she be



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allowed to convert the present petition from the
Testamentary Petition for Letters of Administration to
Testamentary Petition for Probate.

12. No order as to costs.

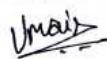
13. Liberty to apply.

✓ Dated this ^{30th}~~27th~~ day of March, 2026


Dr. Deepak Nari Kripalani
Plaintiff


Mr. Nikhil Milind Sansare
Advocate for the Plaintiff


Ms. Manjeet Nari Kripalani
Defendant

For M.T. Miskita & Co.

Partner
Advocates for Defendant

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7. Parties who have executed Consent Terms are present before the Court. They are identified by their respective Advocates. They confirm execution of the Consent Terms to the Court.

8. 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. The parties have requested this Court to allow the Defendant to act as Executor in respect of Last Will and Testament dated 24th February 1998 and Codicil dated 6th June 2001 executed by the deceased and Defendant be allowed to convert the present Petition from Testamentary Petition for Letters of Administration to Testamentary Petition for Probate. Therefore as per the Consent Terms the Defendant has agreed to act as the Executor as stated in the Will and Codicil and Letters of Administration or Probate was sought of the Defendant and not the Plaintiff in the present Suit.

11. For the averments mentioned in the Petition and the above Consent Terms, Testamentary Petition No.5528 of 2024 is allowed in terms of the relief prayed. Testamentary Suit No.90 of 2026 is disposed.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

AJAY
TRAMBAK
UGALMUGALE
Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date: 2026.04.18
19:34:29 +0530

Corrected / modified order as per speaking to minutes of order dated 17.04.2026. **16** of 16