

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

**TESTAMENTARY SUIT NO. 25 OF 2018
IN
TESTAMENTARY PETITION NO. 780 OF 2013**

**WITH
CAVEAT NO. 40 OF 2018**

Jangbahadur Singh Darshan Singh Gujral ... Plaintiff/Petitioner

Versus

Manmohan Kaur Oberoi and Ors. ... Caveators/Defendants

**WITH
NOTICE OF MOTION NO. 13 OF 2019
IN
TESTAMENTARY SUIT NO. 25 OF 2018**

Manmohan Kaur Oberoi ... Applicant/Orig.
Defendant No.1

In the matter between

Jangbahadur Singh Darshan Singh Gujral ... Plaintiff

Versus

Manmohan Kaur Oberoi and Ors. ... Defendants

Mr. Kunal Bhanage for the Plaintiff/Petitioner.
Mr. Anish Khandekar for Defendant No.1.

CORAM : R.I. CHAGLA, J.

DATED : 7th JUNE, 2022.

ORDER :

1 The Plaintiff and Defendant No.1 have settled their disputes in the above Testamentary Suit No.25 of 2018. Consent Terms bearing today's date are tendered and taken on record and marked 'X' for identification. These are signed by the Plaintiff and Defendant No.1 as well as by the Advocates for the Plaintiff and Defendant No.1, respectively.

2 It is stated in clause 1 of the Consent Terms that Defendant No.1 has agreed, declared and confirmed that she unconditionally withdraws the objections raised as and by way of Caveat No.40 of 2018 filed in the captioned Testamentary Petition. In clause 2 of the Consent Terms it is further agreed, declared and confirmed by Defendant No.1 that the Notice Of Motion No.13 of 2019 and companion Interim Applications, if any, filed by her in the captioned proceedings should stand dismissed as unconditionally withdrawn. In clause 11 of the Consent Terms it has been agreed, declared and confirmed between the Plaintiff and Defendant No.1 that the Plaintiff and Mr. Inderjeet Singh Gujral, the son of Late Smt. Surjit @ Surjeet Kaur Avtar Singh Gujral, widow of Late Shri Avtar Singh Gujral have agreed to pay the amounts set out in the said clause to Defendant No.1 and Defendant No.1 acknowledges payment and receipt

thereof. Pursuant to this clause, the learned Counsel for the Plaintiff has handed over two demand drafts which are mentioned in clause 11 of the Consent Terms, each of Rs.11,50,000/- to the learned Counsel for Defendant No.1 who has accepted the same on behalf of Defendant No.1.

3 I am satisfied that the Consent Terms are in order, not contrary to law and have been drawn by the parties of their own volition in reflection of their true intentions.

4 The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.

5 The Caveat No.40 of 2018 filed in Testamentary Petition is discharged in accordance with the Consent Terms.

6 The Notice of Motion No.13 of 2019 and companion Interim Applications filed by Defendant No.1 stands disposed of as withdrawn in accordance with the Consent Terms. The unconditional and unequivocal consent to the grant of probate of last Will and Testament dated 17.01.1986 of Darshan Singh Dogar Singh Gujral has been agreed, declared and confirmed by Defendant No.1 at clause 3 of the Consent Terms shall be taken note of by the Testamentary Department.

7 The Testamentary Suit No.25 of 2018 is accordingly disposed of as against Defendant No.1 in accordance with the Consent Terms.

8 Drawn up decree/order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.

9 A soft copy of the Consent Terms will be uploaded as the second order in the matter.

10 The Registry is to ensure that the hard copy of the signed Consent Terms is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

11 All concerned will act on production of a digitally signed copy of this order.

(R.I. CHAGLA, J.)