

**A.Nos.8836 of 2019 & 993 of 2020
in
O.P.No.923 of 2017**

SENTHILKUMAR RAMAMOORTHY, J.

These applications are filed to appoint a Bailiff to break open the lock of the schedule mentioned property for the purpose of conducting a valuation and to permit the applicant/petitioner to value the schedule mentioned property.

2. I heard the learned counsel for the applicant and the learned counsel for the respondent.

3. The learned counsel for the applicant submitted that O.P.No.923 of 2017 was originally filed by the Executrix of the Will seeking probate of the Will of her husband. However, she died during the pendency of the said O.P. and it was converted into a petition for Letters of Administration. The respondent herein is the brother of the applicant. The only property, which is the subject matter of the bequest, is locked. It is stated that the respondent does not have the keys for the said property. Therefore, the

present applications are taken out to break open the lock, inspect and value the property.

4.The learned counsel for the respondent submits that he has no objection if these applications are allowed.

5. I considered the submissions of the learned counsel for the respective parties and examined the affidavits in support of these applications.

6. I find that the applicant intends to inspect the property so as to value the same in light of the fact that it is the only property covered by the bequest under the Will. The respondent also has no objection if these applications are allowed. In light of the consent of the respondent, it is not necessary to appoint a Bailiff for this purpose. Instead, the lock can broken open in the presence of the two parties. Thereafter, the parties can appoint a valuer by consensus so as to avoid disputes in future.

7. Accordingly, these applications are disposed of on the following terms:-

(i) The applicant or her duly authorised representative is permitted to break open the lock of the property described in the schedule to the judge's summons in A.No.993 of 2020 in the presence of the respondent or his duly authorised representative.

(ii) Both the parties or their authorized representatives shall agree upon a valuer to value the property and carry out the valuation through the valuer appointed by mutual consent.

05.03.2020

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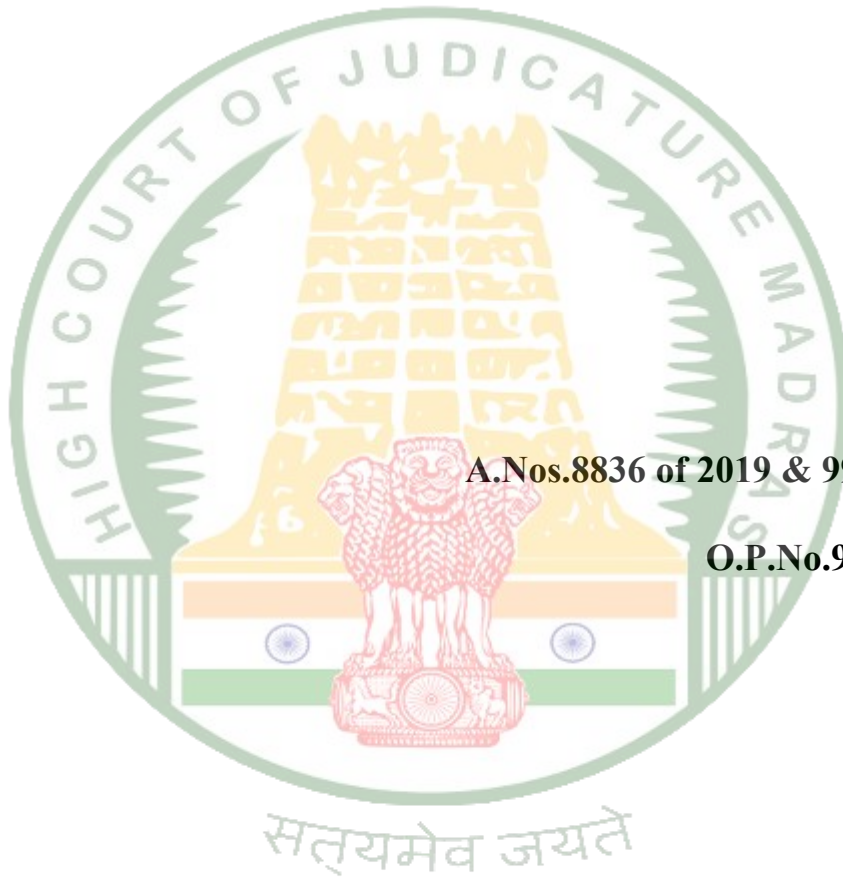
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