



WEB COPY



A.No.5787 of 2022

A.No.5787 of 2022
in O.P. No.814 of 1998

SENTHILKUMAR RAMAMOORTHY,J

This application is presented by a beneficiary to the contents of a locker held in the names of the 2nd, 3rd and 4th respondents herein at the Central Bank of India, Addison Building Branch, Anna Salai, Chennai-600 002.

2. Learned counsel for the applicant invited my attention to the Will of T.P.S.H.Selva Saroja and, in particular, the 4th schedule thereto. He points out that 50% of the gold and diamond jewellery was bequeathed to the applicant under the above mentioned Will. He also submits that the remaining 50% has already been handed over to persons entitled thereto, such as the third respondent.

3. The 2nd, 3rd and 4th respondents have filed their counters. All of them are agreeable to abide by any directions issued by the Court with regard to the locker. The bank has also filed a counter. The stand of the bank is that all the locker account holders should agree to the opening of the locker and to the manner in which the contents thereof should be dealt with.



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4. On examining the 4th schedule of the Will, it appears that gold jewellery (15 sovereigns) has been bequeathed under the Will to Mr.Harinarayanan, who is a third party to this application. Therefore, he is required to be put on notice with regard to opening or breaking open the locker and his share is required to be handed over to him.

5. By taking the aforesaid into account, this application is disposed of with the following directions:

(i) the applicant and respondents 2, 3 and 4, who are the account holders of the locker, shall be present at the bank branch on the date and time fixed by the bank. The bank is directed to provide the said parties at least three days advance notice.

(ii) Once the date and time is indicated by the bank, the applicant shall procure the presence of Mr.Harinarayanan.

(iii) In the presence of the applicant, respondents 2 to 4 and Harinarayanan, the bank shall take necessary steps to open or break open the locker. Upon removing the contents of the locker, an inventory of such contents shall be drawn up.

(iv) In case any of the contents of the locker are stored in boxes or containers, the bank is permitted to open or break open the said container or box so as to remove the contents thereof.



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(v) After all the persons present, sign the inventory of assets, other than 15 sovereigns gold jewellery, the rest of the contents of the locker shall be handed over to the applicant.

(vi) The 15 sovereigns gold jewellery shall be handed over to Harinarayanan.

(vii) The applicant and Harinarayanan shall provide necessary documents of identity to the satisfaction of the bank.

(viii) On instructions, the applicant agrees to pay rental arrears in respect of the locker. Such rental arrears shall be paid on the date of opening or breaking open the locker.

27.02.2023

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