

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION (L) NO.29628 OF 2023
IN
TESTAMENTARY PETITION NO.1415 OF 2022

Gabriel Mordecai Talkar	.. Applicant
IN THE MATTER BETWEEN:	
Salome Benso Hyams	.. Deceased
Gabriel Mordecai Talkar	.. Petitioner

WITH
INTERIM APPLICATION NO.356 OF 2024
IN
TESTAMENTARY PETITION NO.1414 OF 2022

Gabriel Mordecai Talkar	.. Applicant
IN THE MATTER BETWEEN:	
Benson Nathan Hyams	.. Deceased
Gabriel Mordecai Talkar	.. Petitioner

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- Mr. Y. S. Bhate, Advocate for Applicant / Petitioner in both Interim Applications.
 - Ms. Pranali Raut, Advocate i/by Legal Catalyst for Caveator.
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CORAM : MILIND N. JADHAV, J.
DATE : DECEMBER 22, 2025

P.C.:

1. Heard Mr. Bhate, learned Advocate for Applicant / Petitioner in both Interim Applications and Ms. Raut, learned Advocate for Caveator.

2. Pursuant to the directions contained in the order dated 05.12.2025, the Court Commissioner Mr. Sirsat has visited the suit

subject flat and complied with the directions contained in the said order. He is the Court Associate of this Court.

3. Mr. Bhate appears for the said Executor and submits that compliance as directed in the previous order stands carried out. He would submit that there is a steel cupboard inside the flat which needs to be broke-open in order to ascertain its inventory and contents.

4. He would persuade the Court to pass appropriate directions and direct the Court Commissioner to visit the suit flat and carry out the aforesaid exercise and make a report to the Court.

5. That apart, he would submit that there is a window grill which is open and is required to be locked for safety reasons. Since no lock has been put on the same, Court Commissioner is directed to put a chain lock and lock the same and deposit the keys alongwith flat keys with the Prothonotary and Senior Master when he visits next.

6. He would also submit that brother of deceased who is present in Court has informed him that he is holding an amount of Rs.20,000/- in cash which belonged to the deceased and the bangles and gold earrings of the deceased.

7. He would submit that brother of deceased would like to deposit the same in Court.

8. In that regard, appropriate Affidavit can be filed and the

same can be deposited with the Prothonotary and Senior Master of this Court in this Testamentary Petition Account who has been directed by this Court for the present to keep custody of the keys of said flat pursuant to directions contained in the order dated 05.12.2025. If the above items are deposited, same shall be held by the Prothonotary and Senior Master in the Petitioner's account and appropriate direction will be sought from the Court.

9. Considering the above submissions, Court Commissioner Mr. Arun Sirsat is directed to visit the subject flat according to convenience of the parties on 30.12.2025 and 31.12.2025 as mutually agreed before me today.

10. Executor is directed to arrange for a locksmith to break-open the steel cupboard and any other lock which needs to be broken-open inside the cupboard for the purpose of inventory. Appropriate inventory of the contents of the steel cupboard shall be placed in a report by the Court Commissioner before the Court for consideration before the next date.

11. Court Commissioner is directed to put a chain lock on the grill which is open and lock the same and deposit the key alongwith the flat keys with the Prothonotary and Senior Master as directed. Mr. Bhate shall coordinate the visit and above details with the Court Commissioner.

12. After the aforesaid exercise is carried out, flat keys shall be deposited with Prothonotary and Senior Master in compliance of the directions contained in the order dated 05.12.2025 and report shall be placed before the Court for further orders, if so required.

13. Regarding the fees of Court Commissioner, the same are quantified at the rate of Rs.10,000/- per visit and the same shall be paid forthwith to the Court Commissioner by the Executor and appropriate receipt of the same shall be placed on record alongwith Court Commissioner's Report on next date.

14. Liberty to parties to apply.

15. Stand over to **06th January, 2026.**

H. H. SAWANT

[MILIND N. JADHAV, J.]