

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
TESTAMENTARY PETITION NO. 1991 OF 2024**

Shefali Suresh Deshmukh

...Petitioner

Jayshree Vijay Apte

..Deceased

Mr. Nikhil Wadikar (through VC) i/b Mr. Nandu Pawar for Petitioner.

Ms. Rekha Rane, Testamentary Registrar present.

CORAM : ARIF S. DOCTOR, J.

DATED : 21st FEBRUARY 2025

P.C. :

1 This court by an order dated 13th November 2024 accepted the Judges Order and allowed the same. The Associate of this court Ms Varsha N Ubale was appointed as a Court Commissioner, in whose presence the locker in the name of the deceased was to be opened. The Learned Counsel points out that on account of some confusion regarding the timing of the opening of the locker, the locker was opened before the court Commissioner could arrived at the bank. The Learned Counsel has invited my attention to the "site report" which is dated 1st February 2025, as prepared by Ms Varsha N Ubale, the Court Commissioner, which records that Ms Ubale reached the bank at about 2.00 p.m. when the scheduled time was 1.30 p.m. The Learned Counsel points out that the report records that the locker was opened in the presence of the petitioner, petitioner's advocate as also one Manoj Rajpal, who was the valuer appointed by the Court Commissioner, as also in the presence of one Mr. Krishnan Neelkanthan. The

Learned Counsel thus submits that the court can accept the report prepared by the valuer for opening the locker and submit the inventory.

2 Having due regard to the submissions made by the learned counsel for the petitioner as also the fact that even though bank locker was opened in the absence of the court commissioner, the same having been opened in the presence of the petitioner, petitioner's advocate as also the valuer and one Mr. Krishnan, I find that the opening of the locker in these circumstances can be regularised and report filed by the Court commissioner as also the valuer be accepted.

3 The registry is accordingly directed to proceed.

(ARIF S. DOCTOR, J.)