

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. Yogeshwar. S. Bhate, Advocate for Applicant / Petitioner in both Interim Applications.
 - Ms. Pranali Raut a/w. Ms. Varsha Sawant, Advocates i/by Legal Catalyst for Caveator.
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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 27, 2026

P.C.:

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

2. On 22.12.2025, following order was passed:-

"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.**"*

3. Thereafter on compliance of above order, on 06.01.2026, following order was passed:-

"1. Heard Mr. Bhate, learned Advocate for Applicant and Ms. Raut, learned Advocate for Caveator.

2. Report of the Court Commissioner dated 05.01.2026 along with annexures is taken on record. Copy of the same is given to both the learned Advocates.

3. After going through the inventory, it is seen that the deceased has left substantial movable assets. Without elaborating on it, a detailed order will have to be passed for dealing with the same in accordance with law. There is one locker in State Bank of India which is stated in the inventory. Mr. Bhate informs the Court that Executor shall immediately take out appropriate Judge's Order and take appropriate directions therein for taking inventory of the said locker as it is now unearthed that the deceased has stated that the copy of Will is kept in the Bank Locker.

4. Let the Judge's Order be filed forthwith for inventory of the Bank Locker and placed before the Court and appropriate orders will have to be passed for dealing with taking over, valuation and renewal of FD's etc. the movables which are stated in the inventory filed in the Court Commissioner's report as they are kept in sealed condition inside the flat belonging to the deceased at Parel.

*5. Stand over to **8th January, 2026** under the caption "**First on Board**"."*

4. I am informed today that Judge's Order has been signed for opening of bank locker belonging to the deceased in SBI and Thane Janata Sahakari Bank and necessary steps in that regard are taken by the Executors in accordance with law and details of the inventory will be placed before the Registry / Court for consideration and further orders.

5. In so far as Court Commissioner's Report dated 05.01.2026 alongwith its Annexures thereto are concerned, pursuant to the further order dated 16.01.2026, learned Prothonotary and Senior Master of this Court has prepared a report dated 22.01.2026. Copy of the report is placed before me. Learned Prothonotary and Senior Master has prepared the list of all movables found in the flat and compartmentalised them into 13 groups for ease of convenience for seeking orders. He is present in Court and has briefed me on the steps required to be taken for preservation, protection, valuation and for seeking further directions.

6. He has sought appropriate orders from the Court for appointment of an Officer of this Court as Administrator to take charge of the said articles in the 13 groups which are all movable items including cash, Fixed Deposits and other movables and thereafter proceed further in accordance with law and take further steps under directions of the Court. He has stated in the Report that inventory

includes foreign currency, number of Fixed Deposits receipts which have already matured long back, Bank passbooks, copies of Wills, documents, various share certificates and various valuable movable articles (small and big).

7. He has categorically stated that the articles mentioned in the Report are voluminous and require steps to be taken further in order to realise many of them including correspondence with Companies, Banks, Valuer etc. and therefore in order to handle and deal with the same, the Court Commissioner who has undertaken the inventory should hand over the said movables to the interim Commissioner appointed by this Court who will alongwith the Executors, representatives of the Caveator shall take over the same and deposit the same with the learned Prothonotary and Senior Master for safe custody or in the Bank locker belonging to the deceased under the directions of the learned Prothonotary and Senior Master for the present to preserve and secure the same and seek further directions from Court.

8. Learned Prothonotary and Senior Master has appeared before me today and placed on record four names of High Court employees working under him to be appointed as Administrator of the estate of the deceased namely the movable estate which is comprised in the inventory Report prepared by the Court Commissioner dated

05.01.2026 and which is further compartmentalised by the learned Prothonotary and Senior Master in his Report dated 22.01.2026. He would persuade the Court to appoint one of the employees as Administrator.

9. From the list of High Court employees working under the learned Prothonotary and Senior Master the name of Mr. Pravin Tawade, Associate is selected and he is directed to be appointed as Administrator of the estate of the deceased which is comprised in the inventory Report and Report of the learned Prothonotary and Senior Master. Remuneration of the Administrator shall be determined later by this Court depending upon the extent of the work done.

10. Learned appointed Administrator Mr. Tawade alongwith two Executors and Court Commissioner Mr. Arun Sirsat shall visit the subject flat on a mutually convenient date to all parties and inform the learned Prothonotary and Senior Master accordingly where movables are kept in sealed condition and after taking an inventory of the same Mr. Sirsat is directed to hand over the same to Mr. Tawade in the presence of Executors, Advocates and Caveator and their Advocates.

11. Thereafter, Mr. Tawade is directed to take necessary steps as directed herein below :-

- (i) To Deposit Cash, Fixed Deposit Receipts lying in flat with Cash Section (Investment), Original Side, High

Court, Bombay, as per inventory. The Concerned Department to take necessary steps to deposit the said cash in Bank Account and to encash the Fixed Deposit Receipts and to reinvest the total amount in Fixed Deposit in nationalized Bank in the name of Prothonotary and Senior Master, High Court, Bombay initially for a period of three years and shall be renewed time to time. The concerned Banks to render all cooperation to the Registry.

- (ii) To Submit Shares with the Prothonotary and Senior Master for keeping the same in safe custody and to take necessary steps in that regard.
- (iii) To Open Bank Locker in the name of Administrator and Petitioner to keep the ornaments, jewellery lying in Flat with the said locker, under the supervision of Prothonotary and Senior Master. Key of the said locker to be submitted with the Prothonotary and Senior Master for safe custody.
- (iv) To make correspondence with Insurance Companies, Banks for encashing it or for closing the Account and amount to be transferred in favour of Prothonotary Senior Master, High Court, Bombay by way of Demand

Draft or Pay Order.

12. From the material namely 13 compartmentalised group, it is *prima facie* seen that some of the material in the groups relating to furniture and fixtures comprised in the groups (j), (k), (L) and (M) may not be in position to be brought to the Bombay High Court and handed over to the learned Prothonotary and Senior Master. This material shall be kept by the Administrator in a sealed condition in the same subject flat for the present according to his discretion and further orders will be sought by Administrator from the Court to deal with the same with regard to their valuation and disposal if so required.

13. In so far as items contained in Serial Nos.(A) to (I) are concerned, the Court Commissioner Mr. Sirsat and Mr. Tawade shall determine the date on which they need to visit the subject flat for bringing the cash, fixed Deposit Receipts, Shares, ornaments etc. which are kept in sealed condition over there and handover the same to the Office of the Prothonotary and Senior Master, as directed in paragraph No.11 herein above. On the designated date, learned Prothonotary and Senior Master is permitted to seek police protection and police escort for transferring the said items to the Bombay High Court and handing them over to Prothonotary and Senior Master for safe custody. Local jurisdictional Police Station shall provide an armed escort for this purpose at the request of the learned Prothonotary and Senior Master.

14. Once the aforesaid steps are complied, the Administrator to place appropriate report before the Court and Court shall thereafter pass appropriate Orders.

15. The professional charges of Valuer/professional Expert shall be paid by the Petitioner.

16. Report prepared by Prothonotary and Senior Master is directed to be provided to Mr. Bhate and Ms. Raut representing the Executors and Caveator.

17. Brother of the deceased who has been an integral part of the present proceedings is directed to remain present when the articles shall be removed from the subject flat by the Administrator appointed by this Court ably assisted by the Court Commissioner – Mr. Sirsat. Once Mr. Sirsat complies with the above directions he shall stand discharged. Fees of Rs.10,000/- of Mr. Sirsat for the above compliance shall be paid by the Petitioner.

18. Name of '**Mr. Arun Sirsat**' appearing in Judge's Order No.21 of 2026 dated 20.01.2026 be replaced with '**Mr. Pravin Tawade**'. Necessary correction to that extent is permitted by the Court. Mr. Pravin Tawade shall attend the Banks and comply with all directions contained in the Judge's Order. This order shall be read alongwith Judge's Order in this regard.

19. Stand over to **10th February, 2026** for passing further orders.

H. H. SAWANT

[MILIND N. JADHAV, J.]