

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. Arun J. Kesarkar, O.S.D., Special Court (Torts), Bombay
(Gazetted Officer).
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CORAM : MILIND N. JADHAV, J.
DATE : MARCH 12, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 12.03.2026. Perused the praecipe.
- 2.** Heard the learned Prothonotary and Court Associate on behalf of Mr. Kesarkar, learned O.S.D., Special Court (Torts), Bombay (Gazetted Officer) who is the Interim Commissioner.
- 3.** By virtue of the order dated 12.02.2026 read with orders

dated 11.03.2026 and 07.03.2026 this Court is already seized with the present case in Testamentary Petition No.1415 of 2022. Initially Mr. Arun Sirsat, Court Commissioner was appointed and pursuant to report filed by Court Commissioner alongwith Prothonotary and Senior Master of this Court, Interim Commissioner – Mr. Kesarkar has now been appointed to preserve, protect and augment the assets of both the deceased persons which have been retrieved in the interregnum and make report to Court.

4. Aforesaid twin orders are *prima facie* self explanatory and in public domain. When interim Commissioner has gone to execute the above orders the Branch Manager, State Bank of India, Mitradham CHSL, Opposite – Gauri Shankar Weet, Parel (East), Mumbai – 400 012 has requested the Interim Commissioner to obtain a Court order to enable him to hand over and move the contents and inventory of locker No.488 for depositing the two original Wills of the two deceased alongwith original Agreement for PAAA in respect of flat No.902 situated in Crystal Tower, Crystal Tower CHSL, AOP, Plot No.2026, St.Xaveier's Lane, Dr. B. A. Road, Pare, Mumbai – 400012 and all other relevant documents and materials which have been documented and materials in the inventory therein as per the orders dated 07.03.2016 and 11.03.2026 passed by this Court.

5. Since there is no specific order enabling and directing the

Branch Manager to hand over the entire above inventory of the locker to the Interim Commissioner, this specific order is passed on request made by the Interim Commissioner, Mr. Kesarkar, who is the Gazetted Officer of Bombay High Court who is at present in the said Bank.

6. The concerned Branch Manager of locker No.488 is directed that the two wills, original PAAA, Fixed Deposits and all other relevant documents shall be handed over as required by the Interim Commissioner on the basis of an undertaking given by him to the Bank on the basis of a server copy of this order. The same be handed over to be deposited with the Prothonotary and Senior Master of this Court for further action.

7. The Branch Manager of State Bank of India shall act on a server copy of this order. For his / her reference, orders dated 16.01.2026, 27.01.2026 and 12.02.2026 be kept by the Bank alongwith this order.

8. First order dated 22.01.2026 is part of order dated 27.01.2026.

9. All parties to act on a server copy of this order downloaded from the Bombay High Court website forthwith.

10. Praecipe is disposed.