

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

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

Gabriel Mordecail Talkar .. Applicant

vs.

Salome Bendon Hyams .. Petitioner

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

Gabriel Mordecail Talkar .. Applicant

vs.

Benson Nathan Hyams .. Deceased

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Ms. Pranali Raut i/b Legal Catalyst, Advocate for the Caveator.
Mr. Arun Kesarkar, Interim Administrator.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 18, 2026.

PC.:

1. Mentioned out of turn at the time of mentioning.
2. Heard Ms. Pranali Raut, learned Advocate for the Caveator.

3. Pursuant to the order dated 27.01.2026, the Commissioner's Compliance Report dated 17.04.2026 and further Commissioner's Report dated 17.04.2026, are taken on record.

4. Appropriate inventory has been completed and directions passed by this Court have been duly complied with. Reports have already been given to the parties.

5. When the matter is called out, except the Caveator no one else is present. The Caveator has no objection.

6. The learned Interim Commissioner has sought for certain directions in the Compliance Report. Those directions are required for appointment of valuer and making appropriate applications to various banks. Details of 15 banks have been delineated in the Report, for dealing with the property of the deceased persons in the interim, as per directions given by this Court in the order dated 27.01.2022, as also the previous orders passed by this Court. There can be no impediment in allowing the reliefs and prayers prayed for in the Commissioner's Compliance Report, which are allowed as under :-

“(i) That the Administrator be permitted to make application to the Branch Manager of aforesaid banks for the payment of balance amount along with the interest lying in the aforesaid bank accounts standing in the joint names as well as single name

of the deceased Benson Hyams and Salome Hyams.

(ii) That the General/Branch Manager of all the Banks in which the deceased Benson Hyams and Salome Hyams have accounts, be directed on receipt of such application from the administrator, release the balance amounts along with accrued interest lying in the said bank accounts by way of Demand Draft/Pay Order in the name of "The Prothonotary & Senior Master, Original Side, High Court, Bombay."

(iii) The Administrator be permitted to appoint a valuer for the valuation of gold and silver ornaments lying at suit flat premises as well as the Locker No. 488 of State Bank of India, Parel, Bombay Branch."

7. Liberty to apply to the parties in case of difficulty.

8. Learned Prothonotary & Senior Master shall ensure that he shall supervise the role and functioning of Interim Commissioner in the present case considering the gamut of the properties of the deceased persons.

[MILIND N. JADHAV, J.]

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