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

**TESTAMENTARY SUIT NO. 37 OF 1987**

**WITH**

**INTERIM APPLICATION NO. 381 OF 2020**

**IN**

**TESTAMENTARY SUIT NO. 37 OF 1987**

**WITH**

**IN PERSON APPLICATION NO. 5 OF 2020**

**IN**

**TESTAMENTARY SUIT NO. 37 OF 1987**

Rajanikant C. Doshi

... Plaintiff

**V/s.**

Usha Kiran Makasare & Ors.

... Defendants

**WITH**

**INTERIM APPLICATION NO. 3811 OF 2025**

**IN**

**TESTAMENTARY SUIT NO. 37 OF 1987**

Swati Rajanikant Doshi & Ors.

... Applicants

**V/s.**

Usha Kiran Makasare

... Respondents

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Adv. Mehul A. Shah for Plaintiffs.

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**CORAM : FARHAN P. DUBASH, J.**

**DATE : 21<sup>st</sup> JANUARY 2026**

**P. C.:**

1. The present Interim Application has been taken out by the Applicants/original Plaintiffs/Petitioners seeking various reliefs *qua* Respondent No. 4 – Bank. The present Interim Application has been served on Respondent No. 4 – Bank and thereafter, as more particularly noted in several orders passed by this Court including orders dated 9<sup>th</sup> July 2025, 30<sup>th</sup> July 2025, 10<sup>th</sup> September 2025 and 8<sup>th</sup> January 2026, none appears for Respondent No. 4 – Bank therefore, this Court is constrained to take up the present Interim Application in its absence and pass necessary orders thereon on the basis of the pleadings before it.

2. Mr. Shah, learned Counsel appearing on behalf of the Applicants has taken me through the contents of the Interim Application. The captioned Petition seeks grant of letters of administration with the Will annexed in respect of the property and credits of Smt. Prabha Kunvarbai Chunilal Doshi. Pursuant to a joint Caveat filed by the original Defendant Nos. 1, 2 and 3, the Testamentary Petition was converted into Testamentary Suit No. 37 of 1987. All the original Defendants have since passed away and from time to time,

their respective heirs and legal representatives have been impleaded in their place.

3. The deceased had held safe deposit Locker bearing No. 144 with Respondent No. 4 – Bank. Mr. Shah states that at the time of filing of the above Petition, the contents of the said locker were not known to his clients. During the pendency of the proceedings, by a letter dated 12<sup>th</sup> July 2008, Respondent No. 4 – Bank prepared an inventory of the contents of the Locker and forwarded the same to the erstwhile Advocates of the original Plaintiff, whilst putting them to the notice that for non-payment of locker rentals, the said Locker No. 144 was broken into by the officials of the Bank and the said Inventory was prepared pursuant thereto.

4. It appears that by a letter dated 31<sup>st</sup> March 2023, the present Advocate of the original Plaintiffs sought information from Respondent No. 4 – Bank as to the whereabouts of the inventory items and the location of the contents of the said Locker No. 144. Despite this letter and repeated follow ups, there is stated to be no response from the Respondent No. 4 – Bank. In the circumstances, the present Interim Application has been filed seeking the appointment of an officer of this Court to visit the Branch of the Respondent No. 4 – Bank and prepare and take inventory of the contents of the said

Locker No. 144 which are in custody of Respondent No. 4 – Bank and to verify and tally the same with the Inventory that was earlier sent by the Respondent No. 4 – Bank under cover of its letter dated 12<sup>th</sup> July 2008. The present Interim Application also seeks further reliefs in terms of appointment of a Valuer for the purposes of valuing the contents of the said Locker that may be disclosed by Respondent No. 4 – Bank together with a further order directing Respondent No. 4 – Bank to keep the Articles safe in a locker with its key being deposited in the Court.

5. Having considered the submissions made by Mr. Shah and after going through the contents of the present Interim Application, this Court is satisfied with the case made out by the Applicants therein and accordingly, the following order is passed :

**:: ORDER ::**

(i) The Prothonotary and Senior Master of this Court shall depute an Officer to visit the Opera House Branch of Respondent No. 4 – Bank located at Apsara Cinema Building, Star C J House, Gr. Flr. Dr. D.B. Road, Grant Road (East), Lamington Road, Mumbai – 400 007 and take inventory of the contents of the said Locker No. 144

which are stated to be in the custody of Respondent No. 4 – Bank and thereafter, verify and tally the same with the inventory annexed to the letter dated 12<sup>th</sup> July 2008 at Exhibit-‘A’ to the present Interim Application. This exercise shall be undertaken in the presence of Applicant No. 2 and Respondent No. 1 who shall also remain present. This exercise shall be done on or before 9<sup>th</sup> February 2026 and a report to that effect shall be prepared and submitted to this Court on or before 13<sup>th</sup> February 2026.

(ii) All costs and charges incurred for this exercise shall be borne by the Applicants in the first instance.

(iii) The Prothonotary and Senior Master shall also appoint a Valuer from its Panel who shall accompany the Officer to the Respondent No. 4 – Bank and who shall forthwith value the articles that were lying in the said Locker No. 144 and prepare his report in that regard. All costs and charges of this Valuer shall also borne by the Applicants in the first instance. The Valuer shall also prepare and submit his report to the Prothonotary and Senior

Master of this Court on or before 9<sup>th</sup> February 2026 which in turn shall be filed by the Prothonotary and Senior Master together with his report on or before 13<sup>th</sup> February 2026.

(iv) The present Interim Application is disposed of in terms of the above order with liberty to the Applicants to take out fresh application if they desire in respect of prayer clause (d) of the present Interim Application which is not considered at this junction.

6. List the present Interim Application for compliance on 16<sup>th</sup> February 2026.

**( FARHAN P. DUBASH, J. )**

Ajay Jadhav  
8.IA.3811.2025