


MHKO070018572024 	<u>ORDER BELOW EXH.76 IN SPL.C.S. NO.65/2024.</u> Pravinsinh Ishwara Mane Vs. Indumati Ishwara Mane
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Defendant No.2 has filed the present application under Order XXVI Rule 9 of the Code of Civil Procedure seeking the appointment of a Court Commissioner. The plaintiff has filed his say (Exh.77) and has opposed the said application.

2. Heard both sides. Perused the record. On perusal of the same, it appears that the plaintiff has instituted the present suit for partition and separate possession of Hindu joint family properties. Locker No. 49758536773 maintained with the State Bank of India, Shirol Branch, standing in the name of the deceased Ishawara Bapu Mane, has also been included as the suit property.

3. By way of the present application, defendant No.2 has prayed for the appointment of a Court Commissioner to conduct an inventory of the articles and documents kept in the said locker. The plaintiff has objected to the said application. However, as discussed above, the plaintiff himself has included the said locker as one of the suit properties. However, the plaintiff has not mentioned the description of the articles kept in the said locker. On the contrary, the plaintiff has specifically averred in the plaint that he does not know the description of the articles lying in the said locker and that he will seek appropriate relief in respect of the said articles after obtaining knowledge of the same. It is evident that to effect the partition of the articles kept in the said locker, it is necessary to ascertain what articles are actually lying therein. Furthermore, it is necessary to bring on record the specific description of such articles so as to avoid multiplicity of judicial

proceedings. Therefore, it appears that to elucidate the matter in controversy between the parties, it is necessary to prepare an inventory of the articles kept in the said locker. Hence, it is just and proper to appoint an Advocate Court Commissioner to conduct the said inventory. Thus, the application deserves to be allowed.

ORDER

1. The application (Exh.76) is allowed.
2. Advocate Shri. Saurabh Ravaso Chougule, Jaysingpur is hereby appointed as Court Commissioner to visit the State Bank of India, Branch at Shirol, and to prepare an inventory of the articles and documents kept in Locker No. 49758536773 standing in the name of Ishwara Babu Mane in the said branch.
3. The Court Commissioner shall, in the presence of the parties, if appeared and in presence of the concerned bank officer, open the said locker and prepare a detailed inventory of all the articles, ornaments, valuables and documents kept therein, by mentioning their description, quantity and weight.
4. The Court Commissioner shall prepare a detailed report of inventory and submit it into the Court on or before 15.04.2026.
5. After completing the inventory, the articles and documents shall be kept back in the locker in accordance with the bank Rules.
6. The Manager of the concerned Bank and parties are directed to extend necessary co-operation to the Court

Commissioner for opening the locker and preparing the inventory.

7. The Court Commissioner shall issue prior notice intimating the date and time of the inventory to the parties as well as to the bank.
8. Defendant No.2 shall pay the Court commissioner's fees of Rs.4,000/- (Four thousand only) and other requisite fees.
9. The defendant No.2 to supply all the requisite documents to the Court Commissioner.
10. Issue commission writ accordingly.

Date : 10.03.2026.

(P. A. Patil)
Jt. Civil Judge Senior Division,
Jaysingpur.