HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13097/2026

CNR: RJHC020683962026 | URN: CW / 28689U / 2026

1 Ajay Sarin S/o Late Shri Ashwani Kumar Sarin, Aged About 60 Years, R/o A-2/1106, Tower-5, Purwanchal Royal Prak, Sector-137 Noida, Gautambuddh Nagar Utter Pradesh, 201304, E-3 Jamna Nagar, Sodala, Jaipur, Raj.

2 Sanjay Sarin S/o Late Shri Ashwani Kumar Sarin, Aged About 55 Years, R/o E-3 Jamna Nagar, Sodala, Jaipur, Raj.

----Petitioners

Versus

1 MRF Limited, Registered Office At Office No. 114 (Old No. 124), Greams Road, Chennai 600006 Through Authorised Signatory/director

2 Special And General, And Others

----Respondents

For Petitioner(s)	:	Mr. Shrey Pradhan Mr. Shubham Arora
For Respondent(s)	:	

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

REPORTABLE

10/08/2026

1. Heard counsel for petitioners at length and perused the record including the orders dated 24.01.2025 & 16.03.2026 passed by the District Judge, Jaipur Metropolitan-I in connection with the civil miscellaneous application for issuance of succession certificate under Section 372 of the Indian Succession Act, 1925 (for short, 'the Act of 1925') and imposing condition as per Section 375 of the Act of 1925, for furnishing a security bond of Rs.2,25,00,000/- by the petitioners for issuance of succession certificate.

2. Submission of counsel for petitioners is that the imposition of condition by the District Judge in the order dated 24.01.2025, while allowing application under Section 372 of the Act of 1925, to grant succession certificate in favour of petitioners, to furnish a security bond by the petitioners is onerous, unwarranted and has been laid down by the District Judge in an arbitrary exercise of its jurisdiction, hence, this condition deserves to be quashed or in the alternative, petitioners may be permitted to furnish an indemnity bond instead of the security bond.

3. It has been pointed out that both petitioners are natural heirs and only surviving successors of deceased-Shri Ashwani Kumar Sarin, who happens to be their father and died on 15.10.2016. The mother of petitioners i.e. wife of Late Shri Ashwani Kumar Sarin, pre-deceased to him on 01.10.2015. There are no other natural heirs or legal representatives of deceased-Shri Ashwani Kumar Sarin other than the petitioners.

4. It has further been pointed out that petitioners' deceased-father-Late Shri Ashwani Kumar Sarin had shares of MRF Limted and in order to get value of these shares, petitioners were required a succession certificate, hence, an application under Section 372 of the Act of 1925 was filed by petitioners on 17.02.2024 before the District Judge, Jaipur Metropolitan-I. On this application, after issuance of notice and recording evidence of petitioners, learned District Judge passed an order dated 24.01.2025, granting succession certificate in favour of petitioners with condition to pay Court fee on the value of shares. Simultaneously, District Judge also put a condition to furnish a joint written undertaking (commitment bond) and a joint security

bond by the petitioners for worth of Rs.2,25,00,000/-. For ready reference, the operative portion of order dated 24.01.2025 reads as under:

"13. अतः प्रार्थीगण अजय सरीन व संजय सरीन की ओर से प्रस्तुत प्रार्थना पत्र अंतर्गत धारा 372 भारतीय उत्तराधिकार अधिनियम, 1925 उपरोक्तानुसार स्वीकार किया जाकर आदेश दिया जाता है कि स्व. श्री अश्विनी कुमार के पक्ष में प्रदर्श–7 लगायत 9 MRF LIMITED (Folio No. K01400 Certificate no. 208935, 208936, 208937) द्वारा आवंटित कुल 111 शेयर्स की वैल्यू 1,52,12,233.65 रुपये एवं Folio No. K01400 Certificate no. 208934 में आवंटित 50 शेयर्स की वैल्यू 68,52,357.50 रुपये, इस प्रकार कुल मालियत 2,20,64,591.15 रुपये मय लाभांश को 1/2–1/2 हिस्सेनुसार प्राप्ति/अन्तरण बाबत प्रार्थीगण द्वारा अपने–अपने हिस्सेनुसार वांछित न्यायशुल्क अदा करने के पश्चात, प्रार्थीगण अजय सरीन व संजय सरीन के संयुक्त पक्ष में नियमानुसार उत्तराधिकार प्रमाण पत्र जारी कर दिया जावे। बशर्ते कि प्रार्थीगण संयुक्त रूप से 2,25,00,000/– रूपये का वचन पत्र व इसी राशि का एक जमानतनामा न्यायालय में इस आशय का प्रस्तुत कर प्रमाणित करा दे कि उक्त सम्पत्ति का अन्य दावेदार होने पर वे न्यायालय के आदेशानुसार प्राप्तशुदा संपूर्ण राशि मय ब्याज 9 प्रतिशत की वार्षिक दर से अदा करने को बाध्य होंगे।

14. यह भी स्पष्ट किया जाता है कि इस उत्तराधिकार आवेदन के माध्यम से मृतक श्री अश्विनी कुमार के नाम से वर्णित चल–अचल सम्पत्तियों के स्वामित्व के संबंध में कोई आदेश नहीं दिया जा रहा है। उत्तराधिकार प्रमाण पत्र जारी नहीं किये जाने तक इस आदेश की प्रतिलिपि जारी नहीं की जावे।"

(emphasis supplied)

5. According to petitioners, the condition incorporated in the order dated 24.01.2025, to furnish a security bond, was onerous and unwarranted, hence, they moved an application dated 16.03.2026 stating *inter alia* that they have not been able to array the security bond of hefty amount. Otherwise also the condition is operating harsh and onerous to them as much as is unwarranted, hence, may be wiped out, but this application has been dismissed by the District Judge vide order dated 16.03.2026, hence, petitioners have invoked the jurisdiction of High Court under Article 227 of the Constitution of India, seeking to remove the condition of furnishing security bond by them from the order dated 24.01.2025 and to set aside the order dated 16.03.2026.

6. Counsel for petitioners, at the outset, drew attention of this Court to the provision of Section 375 of the Act of 1925 and argued that requiring a security bond for grant of a succession

certificate by the concerned District Judge, is discretionary power, which may be exercised only in such cases wheresoever, District Judge finds it just and proper to put forth such condition and such condition may not be incorporated in the final order of grant of succession certificate as a routine and in usual course. In the present case, District Judge has not assigned a single reason whatsoever may be to record his satisfaction requiring it just and proper to furnish a security bond by the petitioners, in order to grant succession certificate in their favour. Their submission, on that count, is that the order dated 24.01.2025 is absolutely non-speaking and silent rather it is apparent that the District Judge incorporate the condition of furnishing security bond in the order dated 24.01.2025, in a usual course and routine manner.

Nevertheless, the alternative submission of counsel for petitioners is that, petitioners are ready and willing to furnish an indemnity bond for the worth of Rs.2,25,00,000/- in lieu of a security bond, in addition to furnishing the written undertaking (commitment bond) as directed by the District Judge in the order dated 24.01.2025.

7. To buttress his submission, counsel for petitioners have referred and relied upon the judgment of Division Bench delivered by Hon'ble Delhi High Court in case of **Rajesh Kumar Sharma & Ors. Vs. Estate of Late Raj Pal Sharma & Ors.**, decided on 02.01.2012 and reported in **MANU/DE/0075/2012**, wherein while upholding the constitutional validity of Section 375 of the Act of 1925, the Division Bench held and observed as under:

> "10. Not only so, a bare perusal of Section 375 (supra) further shows that the furnishing of the security itself is in

> the discretion of the Court. It is always open to the grantee to seek exemption from furnishing of such security. We may record that this Court in Sudershan K. Chopra (Smt.) Vs. State 2006 IV AD (Delhi) 735 following the judgment of the Calcutta High Court in Manmohini Dassi Vs. Taramoni MANU/WB/0351/1929: AIR 1929 Calcutta 733 and finding the grantee to be the sole legetee beneficiary under the Will of all the properties bequeathed thereunder, directed furnishing of security bond of a nominal amount only. Similarly in Asha Sikka Vs. State 1996 3 AD (Delhi) 967 also this Court granted Letters of Administration without the grantee being required to execute any security. A similar view is found to have been taken by most of the other High Courts also.
>
> 11. We are thus constrained to observe that the challenge to the vires of Section 375 of the Indian Succession Act, 1925 predicated on the same being mandatory is misconceived and in ignorance of law."
>
> (emphasis supplied)

8. It has been pointed out that the judgment of Division Bench has further been followed by the Delhi High Court in case of **Arvind Nanda Vs. State**, reported in **2020 SCC OnLine Del 2922**, and the condition for furnishing the security bond was wiped out. The Delhi High Court, after sailing through the various previous judgments on the subject, laid down following principles in para No.10:

> "10. The settled case law, therefore, clearly lays down the following principles: -
>
> (1) The imposition of a condition for furnishing an indemnity/security is at the discretion of the Court.
>
> (2) Whenever the Court is of the opinion that a condition is required to be imposed due to any debts and the fact that there is a possibility of other claimants raising claims, the condition may be imposed.
>
> (3) In every case involving the grant of a succession certificate, a mechanical approach of imposing a condition for furnishing the surety/security and insisting on the indemnity bond is not required.
>
> (4) When an exemption from filing any surety is sought, the Court has to consider the entire conspectus and exercise its discretion depending on the facts of each case, in accordance with law.
>
> (5) As held by the ld. Division Bench of this Court in Rajesh Kumar Sharma (supra), the imposition of a condition is not mandatory."
>
> (emphasis supplied)

9. It has further been submitted that following the dictum of law as expounded by Hon'ble Delhi High Court in above two

referred judgments, the High Court of Allahabad in case of **Smt. Alka Singhania Vs. Smt. Shilpi Agarwal**, reported in **2026 Supreme (ALL) 299**, also expunged the condition of furnishing the security bond finding that same was not required in the facts and circumstances of that case.

10. Heard. Considered.

11. On behalf of respondent-MRF Limited, no contest to the proceedings of issuance of succession certificate was made. The order dated 24.01.2025, to the extent of grant of succession certificate in favour of petitioners has not been further challenged and has attained finality.

12. The issue before this court is centralized only in respect of upholding or wiping out the condition of furnishing the security bond by petitioners as incorporated by the District Judge in the order dated 24.01.2025, while allowing application under Section 372 of the Act of 1925, to grant succession certificate in favour of petitioners.

13. This Court has pondered over the factual matrix obtaining in the present case and finds that no rival claimant to the petitioners, to claim value of shares in the name of father of petitioners, who has passed away way back on 15.10.2016, came forward before the Court and after recording evidence, District Judge has observed in the final order dated 24.01.2025 that petitioners, who are only surviving natural successors and sons of deceased-Late Shri Ashwani Kumar Sarin, are entitled for grant of succession certificate to get the value of shares, which were allotted in the name of their deceased-father.

14. A perusal of order dated 24.01.2025 reveals that no justifications or reasons have been put forth, for putting the condition of furnishing a security bond, in addition to asking for submitting a written undertaking (commitment bond) by the petitioners, for grant of succession certificate in their favour. Further, in the impugned order dated 16.03.2026 as well, the District Judge has not assigned any acceptable or justified reasons, declining to wipe out the condition of furnishing security bond, moreso when in the original order itself dated 24.01.2025, District Judge did not assign any reason whatsoever for laying down such condition upon the petitioners.

15. Having perused the dictum of law as expounded by the Hon'ble Division Bench in case of **Rajesh Kumar Sharma (*supra*)** and concurring with the ratio decidendi, expounded by the Hon'ble Delhi High Court and Allahabad High Court, this Court is also of the considered opinion that while exercising discretionary powers and jurisdiction by District Judge under Section 375 of the Act of 1925, at least some justifications or reasons should be recorded for laying down the condition of furnishing the security bond by the applicant(s) for the purpose of granting the succession certificate. In the case at hand, no such exercise was done by the District Judge, nonetheless, the condition of furnishing the security bond, against the petitioners was incorporated in the order dated 24.01.2025.

16. In that view of the matter, this Court is of the considered opinion that the imposition of condition on furnishing a security bond to the worth of Rs.2,25,00,000/- by petitioners is unwarranted, rather stands onerous too, hence, same deserves to

be quashed, however, since petitioners are agreeable to furnish an indemnity bond to the worth of Rs.2,25,00,000/- in lieu of the condition of furnishing a security bond, in addition to submitting a written undertaking (commitment bond) in terms of the order dated 24.01.2025, therefore, it is hereby directed that the succession certificate in favour of petitioners may be issued by District Judge in terms of order dated 24.01.2025, on furnishing the written undertaking (commitment bond) and a joint indemnity bond by the petitioners. The petitioners are not required to furnish a security bond in furtherance to the order dated 24.01.2025.

17. With aforesaid observations/directions, instant writ petition stands allowed. The impugned order dated 16.03.2026 is hereby quashed.

18. Stay application and other pending application(s), if any, stand(s) disposed of.

(SUDESH BANSAL),J

10/RONAK JAIMAN