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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ TEST.CAS. 14/2008
SATNAM ARORA & ANOTHER

..... Petitioners

Through Ms.Harsha, Advocate.

versus

THE STATE

..... Respondent

Through None.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **17.04.2017**

I.A. 10505/2016 (under Section 151 CPC)

This is an application filed by the plaintiff under Section 151 CPC seeking dispensation with the filing of the administrative / surety bond. On 07.12.2015 this petition had been disposed of and the probate qua the will dated 19.4.1980 in respect of the property of deceased (late Smt. Milawi) had been granted in favour of the petitioner.

By way of this application, the petitioner seeks the prayer as noted supra. In this application it has been stated that the beneficiary being a charitable organization, the filing of the administrative bond and surety bond be dispensed with; the property which has been bequeathed upon the petitioner is to be used for charitable purpose as has been so stated in the will. Learned counsel for the petitioner in

support of her submission that such an order can be passed has placed reliance upon a judgment of this Court reported as Sanjay Suri Vs. State and Ors. AIR 2004 Delhi 9. In that case the question which had arisen for decision was whether the bar of Section 222 of the Indian Succession Act would create a hurdle in the prayer made by the sole beneficiary who was also the executor of the will. The Court had held that insistence upon the furnishing of a surety/administrative bond would be meaningless in the light of the provisions of Section 291 of the said Act. Counsel for the petitioner submits that her case is almost parimateria the facts which had been taken up in the case of Sanjay Suri (supra). This Court notes the submission.

The prayer made in the application is allowed. Filing of the surety bond/administrative bond is dispensed with.

Application disposed of.

INDERMEET KAUR, J

APRIL 17, 2017

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