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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TEST.CAS. 77/2011**

V SUKUMAR IYER

..... Petitioner

Through Ms Sagari Dhanda, Advocate.

versus

THE STATE & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.03.2017

IA No. 3811/2017

1. This is an application filed on behalf of the petitioner, *inter alia*, praying that the Registry be directed to calculate the court fee only on 50% of the property: Apartment in KOSMOS, Japyee Greens, NOIDA.
2. Learned counsel appearing for the petitioner submits that the deceased only owned 50% of the suit property and the balance was owned by the father of the deceased and the petitioner. She further submits that the 50% of the said property was the subject matter of the petition (Test Case No. 90/2011) and the letters of administration have already been granted in that matter assessing the value of fifty percent of the property for the purposes of court fees.
3. In view of the above, the application is allowed. The Registry is directed to calculate the court fee payable in this petition only in respect of

50% of the property in question.

4. The learned counsel for the petitioner states that the petitioner does not have liquid assets/FDRs to furnish the requisite security. She further states that the assets of the deceased have to be given to charities and therefore, the petitioner may be exempted from submitting any security. In the circumstances, the petitioner may submit personal bond of two sureties (each holding sufficient net worth) as well as the personal administration bond. It would not be necessary for the petitioner to submit any other security.

5. The application is disposed of.

VIBHU BAKHRU, J

MARCH 27, 2017

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