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

+ **FAO 285/2017 and C.M. Nos.23448/2017 (stay) & 23449/2017**
(seeking exemption from furnishing administrative bond by appellant no.1)

SANGITA RUHAL AND ORS

..... Appellants

Through: **Mr. Suraj Rathi, Advocate with Mr.**
Siddharth Singh, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **10.07.2017**

1. By the judgment dated 24.4.2017, the probate court below has rightly allowed the probate petition only with respect to the immovable properties situated at Delhi and has not allowed the probate petition with respect to immovable properties situated outside Delhi of more than Rs.10,000/- in view of Section 273 of the Indian Succession Act, 1925. Liberty has been given to the appellants/petitioners to approach the competent court with respect to grant of probate for the properties situated at

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Gwalior, Madhya Pradesh.

2. Reiterating the directions of the court below in this regard in the impugned judgment, counsel for the appellant does not press the appeal so far as this aspect is concerned. It is however prayed on behalf of the appellants that appellants are the sole legal heirs and the beneficiaries of the deceased Dr. Ajay Singh Ruhel inasmuch as they are the wife and the children of the deceased Dr. Ajay Singh Ruhel and that accordingly once the appellants are the only beneficiaries then there is no requirement of an administration-cum-surety bond.

3. I agree with the arguments urged on behalf of the appellant because an administration-cum-surety bond is to administer the property as a trustee for other persons/third persons. Accordingly, once the sole beneficiaries are granted letters of administration, then, there is no requirement of filing of administration-cum-surety bond by the appellants. The direction contained in the impugned judgment dated 24.4.2017 to the extent and requiring the appellants to furnish the administration-cum-surety bond is deleted and the appellants will now get the letters of administration without the Will annexed in terms of the impugned judgment without filing

the administration-cum-surety bond.

4. Appeal is accordingly partly allowed and disposed of as stated above with the aforesaid observations.

VALMIKI J. MEHTA, J

JULY 10, 2017
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