

\$~30

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 76/2016**
SHEILA WANTI

..... Petitioner

Through: Mr.Dinesh Monga, Advocate.

versus

STATE & ORS

..... Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

03.10.2018

IA No.13526/2018

This application is for exemption from filing the surety bond in grant of succession certificate in respect of premises No.C-46, Naraina Vihar, New Delhi, the applicant being the sole person who is getting the property and is the Class-I heir. The respondents No.2 to 5 have already given their 'No Objection Certificates' in favour of the petitioner.

As per the order dated 17.09.2018, the Court Fee has been filed, but since the applicant is the sole surviving legal heir of the deceased she prays for being exempted from furnishing the administration bond with two sureties to the satisfaction of the Registrar General, per order dated 20.03.2018 in Test Case No.76/2016.

Reliance is placed on *Rajesh Sinha & Ors vs State* Test Case No.84/2011 decided on 06.04.2015 wherein Coordinate Bench of this Court has observed as under:-

“22. It would be seen that none of the duties of the Administrator as noticed in the preceding para-16 are required to be performed by a person, who is the sole beneficiary under the Will. It appears to me that the requirement of furnishing of administration bond or surety bond for administration of an estate belonging to oneself is wholly redundant and could not have been intended to be covered by the statutory provision, namely, Section 291 of the Act.”

Further, in *Rita Narang & Anr vs. The State and Ors* Test Case No.11/2011 decided on 07.08.2015 it was observed:-

“8. In the present case respondent No.2 and 3 did not raise any objection to the grant of letter of administration pertaining to Will. In view of the judgement referred above, this Court is of the view that the condition of filing Administration and Security Bond for the entire value of the estate of the deceased, assessed at Rs.22,22,000/- is to be recalled as raised by Registry by allowing the prayer of the present application. Ordered accordingly. Instead the petitioners are permitted to furnish a personal bond before the Registrar General within four weeks.”

In the circumstances, the application is allowed. The condition for filing the surety bonds per order dated 20.03.2018 is dispensed with. The applicant has already furnished her administration bond on said date. Upon complying with the needful, letter of administration be issued by the Registry in favour of petitioner.

The application stands disposed of accordingly.

YOGESH KHANNA, J

OCTOBER 03, 2018

M