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IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY & INTESTATE JURISDICTION
ORIGINAL SIDE

PLA /248/2023

IN THE GOODS OF SARAMA MUKHERJEE (DEC.)

BEFORE:

The Hon'ble JUSTICE APURBA SINHA RAY

Date : 9th June, 2025

APPEARANCE:

Ms. Sanchari Chakraborty, Adv.

Ms. A. Chowdhury, Adv.

...for the petitioner.

The Court :- The learned counsel for the applicant has submitted that by an order dated 8th March, 2024 the petitioner was directed to furnish a personal bond for a sum of Rs. 22,00,000/- with two sureties. However, the petitioner is not in a position to furnish sureties with such huge amount and as such he may be allowed to furnish a personal bond for a sum of Rs. 5,000/- with two sureties.

It appears from the materials on record that the value of the property was assessed at Rs. 2,29,97,000/- and by an order dated 8th March, 2024 the petitioner was directed to furnish a personal bond for a sum of Rs. 22,00,000/-

with two sureties. No reasons have been assigned by the petitioner for such prayer for reduction of the amount of personal bond. If we peruse Rule 15 under Chapter XXXV of the Original Side Rules of the High Court at Calcutta, we shall find that court has the authority to direct the application to furnish bond with the full value of the property for which grant is made. For the purpose of proper appreciation, Rule 15 under Chapter XXXV of the Original Side Rules of the High Court at Calcutta may be recapitulated.

“15. One or more sureties to the bond required

- Every person to whom a grant or letters of administration, other than a grant under Section 212 of the Indian Succession Act, is committed, shall give a bond to and in the name of the Chief Justice with one or more sufficient sureties to be approved by the Registrar. Such bond shall in all cases be prepared in the office of the Registrar (Forms Nos. 6 and 7) and shall, unless otherwise ordered by the Court or a Judge, be given in the amount of the full value of the property for which the grant is to be made.”

However, without asking the petitioner to furnish bond with full value of the property, he has been directed to furnish personal bond of 10% of the total value of the property i.e. Rs. 22,00,000/- with two sureties. It is the usual

practice to ask the applicant for letters of administration for furnishing bond to the extent of 10% of the total value of the property. As there is no reason has been assigned for reduction of the amount of the personal bond, the oral prayer of the petitioner through his counsel cannot be allowed.

(APURBA SINHA RAY, J.)

P.A./M. Das