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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TEST.CAS. 63/2019**
OM PRAKASH ARORA

.....Petitioner
Through: Mr. Durgesh Kumar Pandey and Ms.
Ritika D. Franklin, Advocates.

versus

THE STATE (NCT OF DELHI) & ORS.

.....Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.05.2025**

I.A. 46623/2024 (under Section 151 CPC on behalf of the Petitioner for Waiver of the Condition of Surety Bond)

1. An Application has been filed for waiver of the surety as directed to be furnished vide Judgment dated 04.01.2024.
2. It is submitted in the Application that the deceased had specifically stated in his Will that the Probate be obtained, but no surety be required to be furnished.
3. It is further submitted that the Petitioner is the Executor who is the real brother of the deceased. He is a Senior Citizen aged 74 years and is facing various health issues and is finding it difficult to furnish the surety and the condition of furnishing surety be waived.
4. **Submissions heard.**



5. First and the foremost, it is an absurd submission that the deceased wanted that the Probate be granted by the Court but without any Surety. No litigant can dictate to the Court of the Orders which are required to be made in accordance with law. The mandate of law has to be followed and there can be no waiver sought on this ground that in the Will it was specifically mentioned that no surety shall be furnished.

6. Be as it may, considering the totality of circumstances, the condition of furnishing the Surety Bond is hereby waived subject to the condition of furnishing an Indemnity Bond.

7. The Application stands disposed of.

NEENA BANSAL KRISHNA, J

MAY 9, 2025/va