



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.700 OF 2026

SANJIV S/O HARGOVIND BATRA AND OTHERS
VERSUS
STATE OF MAHARASHTRA, THR. DEPARTMENT OF LAW AND JUDICIARY,
MUMBAI

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Deoul Pathak, Advocate for Petitioners.
Mr. H.R. Dhumale, AGP for Respondent-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 17th FEBRUARY 2026

PER COURT :-

1. Heard learned Advocate for the petitioners.
2. The petitioners' grievance is against the imposition of condition of furnishing one surety for the amount of Rs.57 Lakhs, which is imposed *vide* judgment and order dated 02.07.2025, passed by 7th Jt. Civil Judge Senior Division, Nagpur, while granting succession certificate in the name of the petitioners.
3. The petitioners are the sons and daughter of deceased Hargovind S/o. Ramrang Batra and deceased Smt. Kamla Batra, who

have passed away in the year 2024 and 2016, respectively. The petitioners, being the sons and daughter, had filed an application for grant of succession certificate under Section 372 of the Indian Succession Act. The said application was not at all opposed by anybody and despite publication of citation notice, nobody raised any objection for grant of succession certificate. After considering the relevant documents on record, the trial court has granted succession certificate in the name of the petitioners, however, subject to condition of furnishing an indemnity bond of Rs.57 Lakhs with further condition of furnishing one surety of the said amount.

4. Learned Advocate for the petitioners submits that the imposition of condition of furnishing one surety by way of additional condition is causing serious hardship to the petitioners. He submits that petitioner No.1 is a cancer patient and is in need of funds, petitioner No.2 is a resident of Uttar Pradesh and petitioner No.3 is a resident of Pune and as such, it has become very difficult for them to secure one surety to fulfill the condition imposed. He further submits that, considering the fact that there is nobody to oppose the application, the petitioners, being the sons and daughter of deceased, are entitled for succession certificate without insistence for compliance with the condition about furnishing a surety. In support of his submission, he relied on judgment of Delhi High Court in the case of

Arvind Nanda Vs. State, [2020 SCC Online Del 2922], in which the Court has laid down certain principles with respect to imposition of conditions while issuing succession certificate.

5. A perusal of record reveals that the application for succession certificate was not contested by anybody and having found that the petitioners are entitled for succession certificate, the trial court has granted succession certificate. As regards the condition of furnishing an indemnity bond, the petitioners have no grievance. As regards the condition about furnishing one surety, in view of the fact that the application was not opposed by anybody and there is no contestant and petitioner Nos.2 and 3 are not residing in Nagpur City, the said condition needs to be relaxed in the interest of justice, by considering the peculiar facts of this case. It has to be seen that the trial court has imposed the other condition about furnishing an indemnity bond, which in my opinion is sufficient in the peculiar facts of this case.

6. Having regard to the overall factual and legal aspects, the condition of furnishing one surety of like amount, as imposed by the order dated 02.07.2025, passed by 7th Joint Civil Judge Senior Division, Nagpur, in Succession Case No.338 of 2024, is relaxed and Clause (2) of the order dated 02.07.2025 is modified as under :

“2. Issue Succession Certificate in the name of :

- Applicant No. 1 : Shri Sanjiv s/o Hargovind Batra*
- Applicant No. 2 : Smt. Meena w/o Mukeshkumar Khanna*
- Applicant No.3 : Shri Vivek s/o Hargovind Batra*

in respect of the amount of Rs.57,23,675/-, subject to the applicants furnishing an indemnity bond of Rs.57,00,000/- and upon payment of the requisite Court fees.”

7. Rest of the conditions mentioned in the order dated 02.07.2025 remains intact.

8. In view of the above, the writ petition is disposed of with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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