2026:AHC:211461

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 15105 of 2025

Smt. Sahar Fatima

.....Petitioner(s)

Versus

Mohd. Alim

.....Respondent(s)

Counsel for Petitioner(s)	:	Chaudhary Subhash Kumar
Counsel for Respondent(s)	:	Hemant Kumar Srivastava

Court No. - 9

HON'BLE ROHIT RANJAN AGARWAL, J.

1. Petitioner, before this Court, claims to be the daughter of late Smt. Nawab Ara Begum, who unfortunately died on 24.02.2017 leaving behind the petitioner being sole legal heir. A Succession Case No.815 of 2022 (Smt. Shahar Fatima vs. Mohammad Ali) was filed by the petitioner claiming succession over the movable assets left by late Smt. Nawab Ara Begum in form of deposits in saving bank accounts as well as fixed deposits in State Bank of India, Mutthiganj Branch, Prayagraj.

2. The case for grant of succession was published in newspaper "Nyayadhish" on 22.09.2022, but no objections were filed in the said matter and the case remained uncontested. By order dated 02.05.2025, Court below had granted succession certificate in favour of petitioner with a rider that petitioner was to submit one security and also submit personal bond.

3. Present petition has been filed only challenging the judgment to the extent that condition demanding security and personal bond be exempted, while the grant of succession may remain. Reliance has been placed upon the decision of Delhi High Court in case of **Arvind Nanda Vs. State**, decided on 28.02.2020, whereby the Delhi High Court had laid down the principles in guiding grant of succession certificate and furnishing of indemnity/security. Relevant paragraphs 10 of the said judgment is extracted hereas under:-

"10. The settled case law, therefore, clearly lays down the following

principles: -

(1) The imposition of a condition for furnishing an indemnity/security is at the discretion of the Court.

(2) Whenever the Court is of the opinion that a condition is required to be imposed due to any debts and the fact that there is a possibility of other claimants raising claims, the condition may be imposed.

(3) In every case involving the grant of a succession certificate, a mechanical approach of imposing a condition for furnishing the surety/security and insisting on the indemnity bond is not required.

(4) When an exemption from filing any surety is sought, the Court has to consider the entire conspectus and exercise its discretion depending on the facts of each case, in accordance with law.

*(5) As held by the ld. Division Bench of this Court in **Rajesh Kumar Sharma (supra)**, the imposition of a condition is not mandatory."*

4. Relying upon the said judgment, Co-ordinate Bench of this Court in case of **Alka Singhania Vs. Smt. Shilpi Agarwal, Matters under Article 227 No.8772 of 2025** on 13.03.2026 had set aside the demand of filing of security and personal bond while allowing the petition. This Court also in case of **Smt. Narmada Vs. Sayal, Matters under Article 227 No.12584 of 2026** on 05.10.2026 allowing the petitioner had modified the grant of succession to the extent that petitioner therein was not required to give security in respect of amount of estate succeeded by petitioner. As in **Arvind Nanda (Supra)**, the Court had already held that whenever the Court is of the opinion that condition is required to be imposed due to any debts and the fact that there is possibility of other claimants raising claims, the condition may be imposed.

5. In the instant case, from perusal of grant of succession certificate, it is clear that the Court had not found that there was any debt of deceased Smt. Nawab Ara Begum, as such, conditions demanding security and submitting personal bond is hereby exempted.

6. The judgment dated 02.05.2025 is hereby modified to the extent that

petitioner is exempted from furnishing security and filing of personal bond.

7. Writ petition stands **partly allowed.**

(Rohit Ranjan Agarwal,J.)

October 8, 2026
SK Goswami

Digitally signed by :-
SHIVAKANT GOSWAMI
High Court of Judicature at Allahabad