



2026:AHC:51296

A.F.R.

Reserved On: 10.03.2026

Delivered On: 13.03.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 8772 of 2025

Smt. Alka Singhania

.....Petitioner(s)

Versus

Smt. Shilpi Agarwal

.....Respondent(s)

Counsel for Petitioner(s)

: R.K. Mishra

Counsel for Respondent(s)

: Rama Shanker Yadav

Court No. - 5

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard Sri R.K. Mishra, learned counsel for the petitioner and Sri Rama Shanker Yadav, learned counsel for the sole-respondent.

2. This petition has been filed for the following reliefs:

"i) To set aside the impugned judgment and order dated 18.1.2025 passed by learned Civil Judge (Senior Division) Kanpur Nagar in Succession Case No.255/70/2022 (CNR No. UP KN05-0010902022) Smt. Alka Singhania Vs. Smt. Shilpi Agarwal upto extent by which the security bond to the guaranty like amount of the Succession Certificate has been directed to be submitted by the plaintiff/petitioner (Annexure No.6 to this petition).

ii) To direct the learned Civil Judge (Senior Division) Kanpur Nagar to issue Succession Certificate in favour of the petitioner after taking personal bond of the plaintiff/petitioner and exempt the petitioner to submit Security/Bond for grant of succession certificate."

3. Brief facts of the case are that one Smt. Shakuntala Devi, wife of late Nawal Kishore Tulsyani, R/o 55/50 Generalganj, Kanpur Nagar, died on

30.10.2008, leaving behind the petitioner and respondent (both daughters of Smt. Shakuntala Devi), as her legal heirs and successors. Smt. Shakuntala Devi died intestate. Late Smt. Shakuntala Devi (mother of petitioner and respondent), has shares of Reliance Industries Limited in which she was the recorded owner. Being daughters and the legal heirs and successors of late Smt. Shakuntala Devi, both the petitioner and respondent are entitled to have received all the property of their mother and there is no other legal heir and successor of late Smt. Shakuntala Devi. Plaintiff-petitioner filed a case under Section 372 of Indian Succession Act with a prayer to issue succession certificate in her favour, which was registered as Misc. Case No. 255/70/2022, Smt. Alka Singhania vs. Smt. Shilpi Agarwal. After the notice and publication in the newspapers, no objections were filed by anyone. The defendant, Shilpi Agarwal, appeared in the case and filed her consent along with affidavit dated 18.08.2022 stating therein that succession certificate be granted to the plaintiff. The Civil Judge, by order dated 18.01.2025, allowed the application filed by the petitioner and directed to issue succession certificate in favour of the plaintiff-petitioner with a rider that plaintiff-petitioner shall furnish a security bond and a personal bond for the amount for which succession certificate was being granted. Being aggrieved with the imposition of condition of furnishing security bond, the present petition has been filed.

4. Learned counsel for the petitioner submitted that petitioner has already submitted a personal bond/undertaking before the court below in compliance of order dated 18.01.2025 on 18.08.2025. Copy of the same has been annexed along with supplementary affidavit being Annexure No. SA-1.

5. Learned counsel for the respondent, Sri Rama Shanker Yadav, has filed a short counter affidavit on behalf of Shilpi Agarwal, the sole defendant/respondent, admitting the claim of the plaintiff and mentioning therein that she had no objection in case succession certificate is granted to the petitioner.

6. Learned counsel for the petitioner further submitted that imposition of a condition to submit security bond of the equal amount is arbitrary,

especially when there are no other claimants/ heirs of the deceased and the only other heir of the deceased, namely, Shilpi Agarwal, the defendant/respondent has no objection in case succession certificate is issued to the petitioner. Learned counsel for the petitioner has relied upon the judgment of Delhi High Court in case of **Arvind Nanda Vs. State; 2020 SCC OnLine Del 2922.**

7. A perusal of Section 375 of the ISA clearly shows that the imposition of a condition of security/surety/indemnity bond is in order to indemnify person(s) or safeguard the interests of such persons who may be entitled to the whole or any part of the debt and security. A condition is imposed where the Court comes to the conclusion that it is necessary for any purpose, including any debt to be satisfied, any other claimants, any dues to statutory authorities etc. However, the imposition of a condition is to be considered in the facts of each case. A condition cannot be mechanically insisted upon, especially in situations wherein the beneficiary is the sole beneficiary or in other suitable cases, if the beneficiary is a natural heir of the deceased and there are no objections by the other claimants.

8. Hon'ble Delhi High Court after relying upon several judgments held in paragraph No. 10 of Arvind Nanda(supra) judgment as 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."

9. Considering the facts and circumstances of the case, especially that the only other heir of deceased, namely Shilpi Agarwal, sole respondent has no objection in case the succession certificate is granted to her sister, who is natural heir of deceased and there are no other claimants for the estate of deceased. The imposition of condition of submitting security bond for the equal amount involved, in my view, is not justified.

10. In view of the above legal position, the petitioner, being the sole legal heir and beneficiary of his parent's estate, and there being no objections from any quarter, is exempted from furnishing a surety. The order passed by the court below dated 18.01.2025 is modified to this extent. The court below is directed to issue succession certificate expeditiously within a period of eight weeks from today.

11. Accordingly, the petition stands allowed.

(Manish Kumar Nigam,J.)

March 13, 2026

Nitika Sri.