

(1899) 03 CAL CK 0003
In the Calcutta High Court

In Re: In the Goods of A.S. Gubboy

Date of Decision : 28-03-1899

Acts Referred:

Succession Act, 1925 — Section 256

Citation : (1899) ILR (Cal) 408

Hon'ble Judges : Sale, J

Bench : Single Bench

Judgement

Sale, J.—This is an application for a grant of letters of administration of the property and credits of Aaron Shalome Gubboy, deceased, limited for the purpose of reconveying the premises comprised in a mortgage to the mortgagor.

2. It is stated in a petition verified in the usual way that the "deceased died without leaving any properties or effects to be administered unto," and that he had no beneficial interest in the mortgage the premises comprised in which are to be reconveyed.

3. It appears that this mortgage has been treated as belonging to the estate of the brother of the deceased, and that the ad valorem fee on the amount secured thereby has been paid.

4. It is said that having regard to the nature of the limited grant prayed for, no assets can come into the hands of the administrator, and that this is a case in which an administration bond may be dispensed with. But the law does not admit of this being done. Section 256 of the Indian Succession Act requires a bond to be given in every case, but in such form as the Judge shall from time to time by any general or special order direct. It is only open to the Court to make a special order as to the form of the bond.

5. In England an administration bond is also required to be given in all cases, and the bond in the case of a limited or special administration provides that the administrator "will exhibit a true and perfect inventory of the said estate and effects limited as aforesaid and render a just and true account thereof whenever required by law so to do." Coote, p. 663. This form may, it seems to me, be

adopted in the present case, and I direct that this may be done.