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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ TEST.CAS. 91/2015

NIDHI GOEL ..... Petitioner

Through Mr.Rahul Malhotra, Advocate.

versus

STATE & ORS ..... Respondents

Through None

**CORAM:**
**HON'BLE MR. JUSTICE MANMOHAN**

**O R D E R**

% **21.07.2017**

**I.A.No.8126/2017**

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

**I.A.No.8125/2017**

Present application has been filed seeking exemption from furnishing administration/surety bond.

Learned counsel for the petitioner/applicant states that Section 291 of the Indian Succession Act, 1925 (hereinafter referred to as the 'Act') requires furnishing of the administration bond, the object whereof is to secure due and proper administration of the estate of the deceased in which the executors and the administrators have to discharge multifarious duties in respect of the estate. He contends that in the case of a legal heir and a sole beneficiary under the Will, the requirement of furnishing the administration bond under Section 291 of the Act is not mandatory.

A Coordinate Bench of this Court in ***Sanjay Suri Vs. State and Others, 2003 (71) DRJ 446*** has held as under:-

> *"21. The crux of the matter arising for consideration is whether a sole beneficiary under a Will, which has been duly proved, should be required to execute an administration bond for the administration of an estate, which is bequeathed to him and to which there are no other claimants. It is only on account of statutory bar under Section 222 of the Act, the said sole beneficiary and natural heir not being an executor, is not being granted the probate. It is not in dispute that had he been appointed the executor, there would have been no requirement or insistence on furnishing a surety or administration bond.*
>
> *22. It would be seen that none of the duties of the Administrator as noticed in the preceding para-16 are required to be performed by a person, who is the sole beneficiary under the Will. It appears to me that the requirement of furnishing of administration bond or surety bond for administration of an estate belonging to oneself is wholly redundant and could not have been intended to be covered by the statutory provision, namely, Section 291 of the Act."*

Keeping in view the aforesaid mandate of law and the fact that the petitioner is the legal heir and sole beneficiary under the Will, this Court is of the view that the petitioner is not required to do any act in compliance and under the directions of the Will. Consequently, the petitioner is granted exemption from executing an administration bond with sureties.

Accordingly, the application stands disposed of.

**MANMOHAN, J**

**JULY 21, 2017/KA**