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

+ TEST.CAS. 10/2015

N. RAJASHEKARAN Petitioner
 Through Mr. Saumyen Das, Advocate

versus

STATE & OTHERS Respondents
 Through None

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
15.12.2017

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I.A. 15011/2017

Present application has been filed on behalf of the plaintiff under Section 151 seeking exemption from furnishing administrative bond with one surety.

Learned counsel for the petitioner states that the petitioner is the sole beneficiary with respect to the immovable property in the duly proved Will dated 23rd October, 2002 in his favour executed by his father. He further states that the petitioner is employed in Bangladesh.

This Court in *Sanjay Suri Vs. State and Others, 2003 (71) DRJ 446* has been 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 facts and law, present application is allowed and the applicant is exempted from furnishing administrative bond with one surety.

MANMOHAN, J

DECEMBER 15, 2017

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