

\$~

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

+ TEST.CAS. 81/2015

AJAY KHOSLA

Through

..... Petitioner

Mr. Kuber Giri, Advocate

versus

STATE & ORS

Through

..... Respondents

Mr. Deepak Pandey, Proxy Counsel
for Mr. Mohd. Azhar, Advocate for
R-2 to 4.Mr. Saurabh Kansal, Advocate for
R-8 to 15.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

%

08.05.2018**I.A. 6290/2018**

Present application has been filed under Section 151 CPC seeking exemption from furnishing administrative bond with one surety.

Learned counsel for the plaintiff states that the object of furnishing an administrative bond is to secure due and proper administration of the estate of the deceased in which the executors and administrators have to discharge the duties enjoined upon them in respect of the estate so as to ensure that after the estate has been properly administered, the residue of the estate of the deceased is paid to the legatee or the next of kin. He contends that there is no dispute about the distribution of the assets in terms of Dr. Sarla

Khosla's Will dated 9th May, 2011.

Learned counsel for the petitioner states that the entire estate of Dr. Sarla Khosla has already been administered by the executor and all taxes in respect of the said estate have been paid.

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 facts and law, present application is allowed and the applicant is exempted from furnishing an administrative bond with one surety.

MANMOHAN, J

MAY 08, 2018

rn