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Indian Succession Act, 1925

Section 334 - Conditional Assent

The assent of an executor or administrator to a legacy may be conditional and if the condition is one which he has a right to enforce, and it is not performed, there is no assent.

Illustrations

(i) A bequeaths to B his lands of Sultanpur, which at the date of the Will, and at the death of A were subject to a mortgage for 10,000 rupees. The executor assents to the bequest, on condition that B shall within a limited time pay the amount due on the mortgage at the testator's death. The amount is not paid. There is no assent.

(ii) The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.
