

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

TESTAMENTARY PETITION NO. 753 OF 2024

Nishith Kishor Doshi

...Deceased

Varsha Kadam

...Petitioner

- Mr. B.G. Saraf, for Petitioner.

CORAM : MANISH PITALE, J.

DATE : 07th MAY, 2024

P. C. :

1. Not on board. Mentioned by way of *praecipe*.

2. In this testamentary petition filed for grant of Letters of Administration, the petitioner is the widow of the deceased. The mother of the deceased is a senior citizen suffering from Dementia and Parkinsons. In that light, by an order dated 22nd December, 2023 passed in Guardianship Petition (Lodging) No. 34409 of 2023, the father of the deceased has been appointed as the guardian of the said mother of the deceased. This Court is informed that the father of the deceased, as the guardian of the mother of the deceased, has already placed on record a consent affidavit in the testamentary petition. Yet, the department is asking for compliance with the Rule 422 of the Bombay High Court (Original Side) Rules, 1980, for justifying surety in respect of the properties of the deceased.

3. This Court has perused the order dated 22nd December, 2023 passed in Guardianship Petition. The said petition, *inter alia*, permits the

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father of the deceased to file consent affidavit in the testamentary petition for grant of Letters of Administration. Such an affidavit having been already placed on record, the requirement of justifying surety is dispensed with.

4. Since the petition is an uncontested proceeding, the grant is expedited.

(MANISH PITALE, J.)