

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO. 151 OF 2025
IN
TESTAMENTARY PETITION NO. 2286 OF 2024

Pankaja Anil Mandhle & Anr.

...Petitioners

Vs.

Tushar Shrikant Mangeshikar

...Respondent

WITH
INTERIM APPLICATION NO. 872 OF 2025

Adv. Anusya Raghavan i/by Joy Legal Consultants for the Petitioners.

Adv. Sukruta Chimalkar a/w Tushar Mangeshikar for the Respondent.

CORAM : ARIF S. DOCTOR, J.

DATE : 26TH MARCH, 2025

P.C.-

1. The captioned Miscellaneous Petition seeks the following reliefs:-

“(a) That this Hon'ble Court be pleased to cancel the Succession Certificate granted to the Respondent (Original Petitioner) falsely claiming to be the sole legal heir;

(b) Necessary costs be imposed on the Respondent for making false statements on oath;

(c) That Hon'ble Court be pleased to declare that the Petitioners are the daughters of Mrs. Shalini Shrikant Mangeshikar and Dr. Shrikant Nagappa

Mangeshikar and are entitled for 1/4th share each in the securities of the father and mother since deceased;"

2. Learned Counsel for the Petitioners submits that the captioned Testamentary Petition had been filed willfully and deliberately suppressing the fact that the Petitioners were also legal heirs of the deceased namely Mrs. Shalini Shrikant Mangeshikar and Dr. Shrikant Nagappa Mangeshikar, being the daughters of the deceased. She submits that it was on this basis of this false assertion that the Court proceeded to grant the Testamentary Petition without citation being issued to the Petitioners. Learned Counsel submits that the daughters of the deceased, the Petitioners are entitled to a 1/4th share each in the securities of their deceased parents. It is thus that she submits that the Succession Certificate granted by this Court to the Respondent be cancelled and also presses for costs in view of the fact that the Petitioners had to incur legal expenses on account of the conduct of the Respondent.

3. Learned Counsel appearing on behalf of the Respondent does not dispute what has been submitted. She, however, tenders an unconditional apology. She submits that the names of the Petitioners were not deliberately suppressed, but had not been mentioned in the Petition only because the Petitioners reside overseas. She submits that the Respondent had green intentions of equally distributing the shares and securities of the deceased parents of the Petitioners. She submits that the Respondent had every intention of giving the

Petitioners their respective 1/4th share in the shares and securities of the deceased parents.

4. Having due regard to the submissions made and the fact that it is not today disputed before me that the Succession Certificate had been obtained on a false pretext, the same is required to be forthwith cancelled. Hence, the Miscellaneous Petition is allowed in terms of prayer clause (a), (b) and (c) reproduced above. I find that the costs must necessarily be paid. Hence, the Respondent shall pay Petitioners costs of Rs.1,00,000/- each. The Petitioners will be at liberty to adopt appropriate proceedings against the Respondent in regard to the false statement/s made in the captioned Testamentary Petition.

5. The captioned Miscellaneous Petition is accordingly disposed of.

6. Interim Application No.872 of 2025 be de-tagged.

(ARIF S. DOCTOR, J.)