KANCHAN VINOD MAYEKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO. 1162/2026

MANJULA SAJITH NAIR ….. PETITIONER

NEELAKANDAN SOMASEKHARAN NAIR ….. DECEASED

Adv. Manish Pant for the Petitioner.

CORAM : RAJESH S. PATIL, J.

DATE : 12 OCTOBER, 2026

P.C. :-

1) This petition is filed under Section 2 of the Bombay Regulation VIII of 1827 by the petitioner for issuance of the legal heirship certificate of Late Neelakandan Somasekharan Nair, who was the mother of the petitioner. A copy of the death certificate of Late Neelakandan Somasekharan Nair, who died on 18 May, 2024 is enclosed at Exhibit – "A".

2) It is stated in the petition that the deceased was permanently residing at Chembur, Mumbai – 400 089 and left properties all over India. There is no Will of the deceased found by the petitioner and in para no.4, it has been stated that the petitioner alongwith her brother are the only legal heirs of the deceased. The wife of the deceased and the parents of the deceased pre-deceased the

deceased. Since there is no other legal heirs and the legal representative of the deceased has already given his no objection in the form of an affidavit which is enclosed at page no. 28, there is no legal impediment him granting legal heirship certificate in favour of the petitioner.

3) Having heard learned counsel appearing for the petitioner and after going through the petition, I am satisfied that this petition needs to be allowed.

4) The petition is allowed in terms of prayer clause (a), which reads as under :-

> (a) That the Legal Heirship Certificate to this Hon'ble Court be issued, certifying that the **Petitioner viz. MANJULA SAJITH NAIR and MR.MANOJ KUMAR SOMASEKHARAN NAIR** mentioned hereinabove are the only Legal Heirs and Legal representatives of the said Deceased under the Provision of Bombay Regulation Act VIII of 1827;

5) The issuance of Proclamation is dispensed with.

6) It goes without saying that this certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof and that the granting of such certificate shall not finally determine nor injure the rights of any

person and the certificate shall be annulled upon proof that another person has a preferable right and that the holder of a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

[RAJESH S. PATIL, J.]