IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.1187 OF 2026

Nutan Sanjivan Poyarekar .. Deceased

Manisha Sanjivan Poyarekar .. Petitioner

Mr. Dinesh Arjun Wani, i/by Mr. Jayant Arjun Wani, Advocates for the Petitioner.

CORAM : GAUTAM A. ANKHAD, J.

DATE : 22nd October, 2026.

P.C. :

1. This Petition is filed seeking Legal Heirship Certificate under Section 2 of Bombay Regulation (VIII) of 1827 in respect of the Deceased – Nutan Sanjivan Poyarekar who at the time of her death was residing at Room No.114, Shreekrupa Sahakari Gruhanirman Sanstha Maryadit, Samarth Hanuman Path, Dr. Babasaheb Ambedkar Road, Kalachowki, Mumbai 400 033. The Deceased died intestate on 13th May, 2026 and a copy of the Death Certificate is annexed at Exhibit ‘A’ to the Petition.

2. The Petitioner is the daughter of the Deceased. At paragraph no.4, the Petitioner has furnished details of the only surviving legal heirs and next-of-kin of the Deceased as follows :

Sr. No.	Names and Address of the heirs and next of kin of the Deceased abovenamed	Age	Relation with the Deceased
1	Sanjivan Shivram Poyarekar, R/at Room No.214, Shreekrupa Sahakari Gruhanirman Sanstha Maryadit, Samarth Hanuman Path, Dr. Babasaheb Ambedkar Road, Kalachowki, Mumbai 400 033.	61 years	Husband
2	Manisha Sanjivan Poyarekar, R/at Room No.214, Shreekrupa Sahakari Gruhanirman Sanstha Maryadit, Samarth Hanuman Path, Dr. Babasaheb Ambedkar Road, Kalachowki, Mumbai 400 033.	28 years	Daughter (Petitioner)
3	Priyanka Sanjivan Poyarekar, R/at Room No.214, Shreekrupa Sahakari Gruhanirman Sanstha Maryadit, Samarth Hanuman Path, Dr. Babasaheb Ambedkar Road, Kalachowki, Mumbai 400 033.	36 years	Daughter

3. It is further stated that the parents of the Deceased have predeceased the Deceased and there are no other heirs and next-of-kin of the Deceased. It is in this background that the Petitioner seeks the Heirship Certificate.

4. The father and sister of the Petitioner have filed consent affidavits dated 29th August, 2026, which are annexed at page nos.36 to 49 of the Petition.

5. The reasons for filing this Petition are stated at paragraph nos.6, 7 and 10 of the Petition. It is also stated in paragraph no.8 that the Petitioner or the legal heirs have not filed any other Petition for Heirship Certificate, Succession Certificate, Probate or Letters of Administration and there is no impediment to the grant of the reliefs in this Petition.

6. As far as the delay is concerned, the same is condoned in the light of the judgment of this Court in ***Ganpati Vinayak Achwal***[1] wherein this Court has held that the right to apply is a continuous right which is capable of being exercised at any time after the death of the Deceased, as long as the right to do so exists.

7. In view of the statements/undertakings contained in the Petition, read with the consent affidavits that have been filed, which are accepted, **Miscellaneous Petition No.1187 of 2026 is allowed** in terms of prayer clauses (A) and (B), which read as under :

> "(A) That a Certificate of Legal Heirship be issued, certifying that the Petitioner, along with the following legal heirs; 1) Manisha Sanjivan Poyarekar, 2) Priyanka Sanjivan Poyarekar and 3) Sanjivan Shivram Poyarekar, as mentioned in paragraph 4 of the Petition, be and are recognized as

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the lawful legal heirs of the deceased Late Nutan Sanjivan Poyarekar.

(B) That this Hon'ble Court be pleased to dispense with the requirement of issuing a proclamation in the present matter."

8. The Department is directed to issue the Legal Heirship Certificate within a period of six weeks from today.

[GAUTAM A. ANKHAD, J.]

SNEHA ABHAY DIXIT
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Date: 2026.10.22 16:26:28 +0530