

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

MISC. PETITION NO. 108 OF 2026

Sanjeev Manohar Waingankar & Ors. .. Petitioners

Manohar Dattatraya Waingankar .. Deceased

Ms. Komal Shah for Petitioners.

CORAM : FARHAN P. DUBASH, J.

DATE : 12th JUNE 2026

P.C.:

1. Heard Ms. Komal Shah, learned Counsel for the Petitioners.
2. By this petition filed under the provisions of Bombay Regulation VIII of 1827, the Petitioners seek issuance of legal heirship certificate in their favour as the surviving legal heirs of their deceased father.
3. The deceased was the father of the Petitioners. The deceased expired on 2nd August 2009. A copy of his death certificate is annexed to the petition. It is stated that at the time of his death, the deceased was residing and had a fixed place of abode at Flat No. 103 on the 1st Floor of the building known as Laxmi Gopal, situated at Hastikar

Marg, Prabhadevi, Mumbai 400 025. It is also stated that the deceased died intestate without leaving any testamentary writing or Will.

4. In paragraph 4 of the petition, the Petitioners have given details of the surviving legal heirs of the deceased, viz. 3 sons, 1 daughter-in-law and 2 granddaughters. It is stated that the parents of the deceased predeceased him. It is further stated that the wife of the deceased expired on 14th May 1993. A copy of her death certificate is also annexed to the petition. One son of the deceased, viz. Rajan Manohar Waingankar, also expired on 17th March 2014 and a copy of his death certificate is also annexed to the petition. The wife of Rajan and his two daughters are included in the list of the surviving legal heirs of the deceased and they are Petitioner nos. 3, 5 and 6 to the present petition.
5. The list of immovable properties that are stated to be owned by the deceased are set out in paragraph 8 of the petition and they include a flat in Prabadevi and two parcels of land. The description of the said immovable properties are set out hereunder:
 - (a) *Flat premises bearing Flat No. 103, admeasuring 1060 sq. ft. built up area on 1st Floor of Building known as 'Laxmi Gopal', Laxmi*

Gopal Co-operative Housing Society Ltd. at Hastikar Marg, Prabhadevi, Mumbai 400 025 alongwith one open car parking space being situated at land bearing C. S. No. 33, Final Plot No. 1281, Town Planning Scheme IV of Mahim Division in Registration District and Sub District of Mumbai City.

- (b) Land bearing F. P. No. 1281, TPS IV, Mahim Division, admeasuring 2046 sq. mtrs. alongwith Buildings i.e. Matru Chaya, Laxmi Gopal and Mangal Manohar standing thereon situate at S. R. Hastikar Marg, Prabhadevi, Mumbai 400 025.*
- (c) Land bearing F. P. No. 1109, TPS IV, Mahim Division, admeasuring 356.93 sq. mtrs. alongwith Buildings i.e. Guru Prasad Building standing thereon situate at Veer Savarkar Marg, Prabhadevi, Mumbai 400 025.*

6. It is further stated that the legal heirship certificate is required by the Petitioners for claiming the aforesaid immovable properties of the deceased and in order to transmit them into the names of the Petitioners.
7. In view of the material placed on record, the petition is accepted and proclamation is dispensed with.
8. It is further stated that no other petition for heirship certificate, succession certificate, probate or letters of administration with or without Will annexed has been filed. There is therefore no impediment to the grant of relief sought in the petition.

9. The petition is therefore allowed in terms of prayer clause (a) which reads thus:

“(a) That the Legal Heirship Certificate to this Hon’ble Court be issued, certifying that the Petitioners; (1) Shri. Sanjeev Manohar Waingankar, (2) Shri. Uday Manohar Waingankar, (3) Smt. Rima Rajan Waingankar, (4) Shri. Vinakant Manohar Waingankar, (5) Miss. Ruchita Rajan Waingankar and (6) Miss. Pranjali Rajan Waingankar are the heirs mentioned hereinabove are the only legal heirs and legal representatives of the said deceased under the Provision of Bombay Regulation Act VIII of 1827.”

10. Petition is disposed of in terms of the above order with no order as to costs.

(FARHAN P. DUBASH, J.)

Shubham Gadhavepatil