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924 ca 1831.23

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**924 CIVIL APPLICATION NO. 1831 OF 2023
IN FAST/1103/2023
WITH CIVIL APPLICATION NO. 1832 OF 2023**

**CHAYABAI MADHUKAR WADNERE AND ANR
VERSUS
MANISH MADHUKAR WADNERE AND ORS**

.....
Advocate for Applicant : Mr. Swapnil Patil h/f. Suryawanshi Nima R.
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 22.01.2026**

PC.:-

1. Despite service of notice to the non-applicant no.1 on 13.02.2023, the non-applicant nos.1 and 2 failed to appear in the matter. Therefore, application is proceeded in their absence.
2. By the present application, the applicants are seeking condonation of delay of 1268 days caused while lodging the appeal against the judgment and order dated 17.04.2019 passed by the learned 3rd C.J.S.D., Dhule in probate application no.2/2016 and consequent to the issuance of probate certificate on 06.08.2020. The applicants have set out grounds in para 3 stating that the learned trial Court passed the judgment and order on 17.04.2019 during the Covid period and also issued probate certificate during

the said period. Therefore, the applicants were restrained from visiting the Court for obtaining the certified copy of necessary orders and soon after they received the copies on 16.09.2022 they filed the present application with appeal. Therefore, delay caused in filing of the appeal is *bona fide* and sufficiently explained by the applicants. Hence, I am of the view that the delay of 1268 days caused while lodging the appeal needs to be condoned. Accordingly, the application is allowed. The delay of 1268 days caused while lodging the appeal is hereby condoned. Office to register the first appeal and place before this Court on 12.02.2026.

3. Issue notice to the respondents in first appeal made returnable on 12.02.2026. The appellants are permitted to serve the respondents by regular mode as well as by speed post.

Civil Application No.1832/2023:

4. Issue fresh notice to the non-applicants made returnable on 12.02.2026. The earlier interim order, if any, to continue till then.

[Y.G. KHOBRADE, J.]