



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1710 OF 2025
IN
FIRST APPEAL st. NO. 3196 OF 2025

Bhagwan Shiva Turuke and Others. ...Applicants/Appellants.

Versus

Suhas Rangrao Turuke and Another. ...Respondents.

Ms. Gunjan Shah for the Appellant.

Mr. Ajinkya Patil h/f Mr. D. S. Patil for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : March 13, 2025.

P. C. :

1. Interim Application has been preferred seeking condonation of delay of 2 years and 237 days caused in filing the First Appeal.
2. Learned Counsel appearing for the Appellant submits that against the probate granted in favour of the Respondents, Applicant filed an Appeal before the District Court in which the delay came to be condoned as against which a Writ Petition was filed before this Court. She submits that by order of 4th September 2024 passed by this Court in the said writ Petition, this Court had held that jurisdictional Court would be the High Court and not the District Court and in view thereof, Appeal before the District Court came to be withdrawn and the present First Appeal is filed in this Court and therefore there is delay of

2 years and 237 days.

3. She would further submit that even before the District Court there was delay for the reason that the Applicants who were the owners of property were not served with the citation of probate proceedings and it is only after the revenue records came to be updated that the Applicants became aware and filed the proceedings challenging the grant of probate in favour of the Respondents.

4. Learned Counsel appearing for the Respondents does not seriously oppose the Application in view of the admitted position on record.

5. In the light of admitted position that initially Appeal was filed before the District Court and subsequently by order of 4th September 2024 this Court had held that the jurisdictional Court would be this Court and not the District Court which led to withdrawal of Appeal from the District Court, delay has occasioned. The delay having been sufficiently explained, deserves to be condoned.

6. In that view of the matter, delay of 2 years and 237 days is condoned. Interim Application stands allowed.

7. List the First Appeal for admission on **2nd April 2025**.

[Sharmila U. Deshmukh, J.]