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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11725 OF 2024
IN
FIRST APPEAL (St.) NO. 18875 OF 2024

Padma Dattaram Ugale and Another ...Applicants/Appellants
Versus

Bhagyashree Dattaram Ugale ...Respondent

Mr. Omkar Nagwekar i/b Ms. Prabha Badadare for
Applicants/Appellants.

Ms. Kajal Wadhwana i/b H. Kumar Vaidyanathan for Respondent.

CORAM : M.M. SATHAYE, J.

DATE : 12th NOVEMBER, 2025

P.C. :

INTERIM APPLICATION NO. 11725 OF 2024

1. Heard learned counsel for the parties.
2. This is an application for condonation of delay of 2 years and 42 days in filing of the appeal. The present appeal is filed against order dated 24.02.2022 passed by Joint Civil Judge, Senior Division, Vasai in Civil Misc. Application No. 5 of 2021. By the impugned order, the application filed by the present Respondent for grant of probate certificate under Section 276 of the Indian Succession Act, 1925 has been allowed.
3. The Applicants claim to be earlier wife and daughter of the deceased Dattaram Ugale. It is the case of the present Applicants that the Respondent did not make the Applicants party to the application for probate and the newspaper in which the notice is claimed to have

been published, does not have wide circulation in the area where the Applicants reside. It is therefore contended that the Applicants had no knowledge of the impugned order, till February 2024 when they learned about probate. That thereafter they made enquiry in Vasai Court and obtained certified copies in May 2024. That thereafter summer vacation ensued and Applicants could approach the advocate with necessary instructions in June 2024 and application is filed in July 2024.

4. The Respondent has filed reply and contended that the Applicants were aware of the Will of the deceased Dattaram and therefore they could have appeared in the application for probate. It is further contended that the necessary citation was published in the newspaper and therefore there is no merit in Applicants' case.

5. I have perused the record. The Application for probate itself discloses the name of present Applicants as wife and daughter of the deceased Dattaram. The application interestedly also discloses the name of a third person Smt. Kavita and children begotten from her, apart from the Applicants and the Respondent. In such circumstances, the known legal heirs could have been made party in the probate application. The Respondent is claiming exclusive right to estate of deceased Dattaram under the probated will.

6. Considering the averments made in the application and the case made out by rival parties and further considering that the proceedings relate to claim on the basis of a will seeking 'exclusive right', sufficient cause is made out.

7. The application is accordingly allowed. Delay is condoned. Interim application is disposed of in above terms.

FIRST APPEAL (St.) NO. 18875 OF 2024

. Place first appeal for admission on 19.11.2025.

(M.M. SATHAYE, J.)