



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

**CIVIL APPLICATION NO. 526 OF 2025
IN FAST/34454/2024**

**DATTATRAY JAGGNATH KANADE AND ANR
VERSUS
DNYANESHW @ MAULI RAMHARI KADE AND ORS**

...
Advocate for Applicants : Mr. Prashant B. Jadhav

...
**CORAM : ABHAY J. MANTRI, J.
DATE : 15TH APRIL, 2026**

PER COURT :

1. It appears from the record that, despite service of notice on respondent nos. 2-a to 2-d and 3, none appear for them. Similarly, learned Advocate for the applicants submitted that he has served the notice on respondent no. 1 through RPAD, which was delivered on respondent no. 1 on 03.02.2026. Accordingly, he has filed the affidavit of service of notice on respondent no. 1. Despite service of notice, no one appears on behalf of respondent nos. 1 to 3. Hence, the matter to proceed ex parte against them.

2. Heard learned Advocate for the applicants.

3. He submitted that due to the old age of the parents and insufficient funds, the Applicants failed to file the appeal in time and therefore, a delay of 65 days was caused. As such, he urged its condoning.

4. Having considered the reasons stated in paragraphs nos. 2 to 4 of the application, I find substance in the contention of the learned Advocate for the Applicants. It also appears that applicants have provided sufficient reasons to condone the delay in filing the application. It does not appear that the delay was intentional or that the stated reason for the delay is unreasonable. Having considered the reasons stated in paragraphs nos. 2 to 4 and the facts of the case, I deem it appropriate to condone the delay.

5. As a result, the Civil Application is allowed. A delay of 65 days in filing the Appeal is condoned. Office to register the Appeal in accordance with the law.

(ABHAY J. MANTRI, J.)

SPC