

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2058 OF 2018
IN
FIRST APPEAL (STAMP) NO. 1538 OF 2018

National Film Development Corporation Ltd. ... Applicant

Versus

M/s. Time Shop and Anr. ... Respondents

.....
Mr. Sudip Mallick i/b Deepa Bajaj Ganjoo, for the Applicant/
Appellant.

Mr. Rupesh R. Lanjekar, for the Respondent No.1.

Mr. Yogeshwar S. Bhate, for the Respondent No.2.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 11th APRIL, 2023.

P.C.

The appellant's suit came to be dismissed by the trial Court on 16th December, 2016 against which an Appeal came to be filed *inter alia* an application has been moved seeking condonation of delay of 352 days.

2 Heard learned Counsel Mr. Sudip Mallick for the applicant.

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3 At the outset, it is submitted that since the applicant-National Film Development Corporation Limited is a Government of India undertaking, it required approval before filing the Appeal. Since the organization Head of the applicant is stationed at Delhi and also due to the medical reasons of Managing Director, some delay has occurred which is not intentional. It is submitted that the applicant has a good case on merits and therefore, the delay needs to be condoned.

4 Learned Counsel for the respondent No.1 objects the prayer of the applicant on the ground that the delay has not been satisfactorily explained.

5 Having considered the reason assigned, especially in para 7 of the application, sufficient reason has been assigned for condoning the delay.

6 Considering the said aspect, the application is allowed in terms of prayer clause (a). The delay stands condoned.

7 Application stands disposed of with no order as to costs.

8 Registry is directed to register the Appeal.

9 List the Appeal under the caption “for Admission” on **20th June, 2023.**

10 Parties to note that the Appeal will be disposed of finally at the stage of Admission, subject to availability of time.

[PRITHVIRAJ K. CHAVAN, J.]