



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11175 OF 2024.

IN

FIRST APPEAL (ST) NO.8444 OF 2024.

Shazia Kidwai And Anr.

...Appellants.

Versus

The Registrar Of Trade Marks, Trademark Division
Intellectual Property Bhavan And Anr.

...Respondents.

*Mr. Ramesh Ramamurthy and Mr. Saikumar Ramamurthy for the
Appellants.*

Coram : Sharmila U. Deshmukh, J.

Date : 20th August, 2024.

P. C. :

1. Interim application has been preferred seeking a declaration that there is no delay in filing First Appeal and the Court be pleased to direct the Registry to number the First Appeal.
2. The admitted position is that the impugned order is dated 14th September 2023 and the time limit is 90 days for filing of the appeal. Instead of filing First Appeal, writ petition came to be filed within the prescribed period of 90 days which was disposed of by this Court by order dated 6th March 2024 permitting the Petitioner to file appropriate legal proceedings.

3. Although writ petition was filed within a period of 7 days, the admitted position is that appeal was maintainable and that being so there has been delay in filing the appeal. The filing of the writ petition at the most can be taken as a ground for condonation of delay in view of Section 14 of the Limitation Act. However it cannot be said that there is no delay in filing of the First Appeal. The application in the alternative prays for condonation of delay.

4. Issue notice to the respondent Nos.1 and 2 returnable on **10th September 2024.**

[Sharmila U. Deshmukh, J.]