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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.7807 OF 2024
IN
FIRST APPEAL (L) NO.29517 OF 2022

National Film Development Corporation Ltd. ... Applicant/Appellant
Versus

R.K. Swamy/BBDO Advt. Pvt. Ltd. & Anr. ... Respondents

Mr. S.L. Shah (through V.C.) i/b. Ms. Deepa Bajaj for Applicant.

Mr. Kayomars Kerawalla i/b. Ms. Priyanka Patel for Respondent No.1.

CORAM : M.M. SATHAYE, J.

DATE : 3rd NOVEMBER, 2025

P.C. :

1. Heard learned counsel for the parties.

2. This is an application for condonation of delay of 38 days in filing first appeal. Respondent No.1 who is contesting Respondent, is served and represented through Advocate. He has opposed the prayer of delay condonation. No reply is filed.

3. Learned advocate for the Applicant submitted that by order dated 11.06.2025, for technical reason of non-supplying copies to Respondent No.2, the present interim application was dismissed against Respondent No.2. He submitted that Respondent No.2 is a formal party, and in the suit, no relief is claimed against Respondent No.2. He undertakes to serve the Respondent No. 2 in appeal, but prays that for absence of non-contesting party, the delay condonation may not be postponed.

4. Perusal of the impugned judgment (paragraph No.13) shows that indeed Respondent No.2 had contended that as no relief is claimed against Respondent No.2 it is neither necessary party nor proper party. Contesting party is served and present before the Court. Therefore service upon Respondent No.2 for the purpose of delay condonation is dispensed with.
5. Considering the extent of delay and averments in the application, sufficient cause is made out. Application is allowed. Delay is condoned.
6. Interim application is disposed of in above terms.

(M.M. SATHAYE, J.)