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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 29/2023 & IA 908/2023 (leave to serve interrogatories to def.)

**KUDOS PHARMACEUTICALS
LIMITED & ORS.**

..... Plaintiff

Through: Mr.Pravin Anand, Ms.Vaishali Mittal,
Ms.Pallavi Bhatnagar, Ms.Richa
Bhargava and Mr.Shivang Sharma,
Advocates.

versus

NATCO PHARMA LIMITED

..... Defendant

Through: Mr.C.S.Vaidyanathan, Sr.Advocate
with Mr.G.Nataraj, Mr.Ankur Vyas
and Ms.Garima Joshi, Advocates.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER

18.01.2023

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CAV 29/2023

1. Counsel for the defendant enters appearance.
2. Accordingly, the caveat stands discharged.

I.A. 913/2023 (for exemption)

3. Subject to the plaintiff filing the original, typed, translated clear and legible copies of the documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

4. The application is disposed of.

I.A. 912/2023 (u/s 151 CPC)

5. Plaintiffs are permitted to place on record, without prejudice to the



rights and contentions of the defendant, redacted/unredacted version of confidential documents.

6. The application stands disposed of.

I.A. 911/2023 (u/S 12A of Commercial Courts Act)

7. In view of the urgent interim relief sought, the plaintiffs are granted exemption from the requirement of pre-institution mediation in terms of Section 12A of the Commercial Courts Act, 2015.

8. Accordingly, the application stands disposed of.

I.A. 910/2023 (O-XI R-1(4) of the CPC)

9. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.

10. The plaintiffs are granted thirty days' time to file additional documents.

11. Accordingly, the application is disposed of.

I.A. 909/2023 (O-II R-2 of the CPC)

12. Issue notice.

13. Notice is accepted by the counsel appearing on behalf of the defendant.

14. Reply be filed within two weeks.

15. List on 3rd February, 2023.

CS(COMM) 29/2023 & I.A. 907/2023 (O-XXXIX R-1 & 2 of the CPC)

16. Let the plaint be registered as a suit.

17. Issue summons in the suit and notice in the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC).

18. Counsel for the defendant accepts summons in the suit as well as notice



in the application under Order XXXIX Rules 1 and 2 of the CPC.

19. Written statement be filed by the defendant within thirty days and the reply to the application be filed within two weeks. Along with the written statement, the defendant shall also file affidavit of admission/denial of the documents of the plaintiffs, without which the written statement shall not be taken on record.

20. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement. Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

21. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

22. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

23. Counsels for the parties inform me that a revocation petition, being C.O.(COMM.IPD-PAT) 1/2023 has been filed on behalf of the defendant on which notice has been issued by the Bench of C.Hari Shankar, J. on 6th January, 2023, returnable for 3rd February, 2023.

24. Subject to the orders of Hon'ble the Judge in-Charge (Original Side), the present suit and the applications may be listed along with C.O.(COMM.IPD-PAT) 1/2023 on 3rd February, 2023.

AMIT BANSAL, J

JANUARY 18, 2023/sr