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

+ CS(COMM) 655/2023 & I.A. nos. 18407/2023, 18408/2023,
21585/2023, 24409/2023

KUBOTA CORPORATION

..... Plaintiff

Through: Mr. J. Sai Deepak, Mr. Nitin
Wadhwa, Ms. Srishti Banerjee, Mr.
Cheitanya Madan, Mr. R.
Vigneshwar, Mr. Ananth Swamy and
Ms. Arpita Bishnoi, Advocates.

versus

**GODABARI AGRO MACHINERY AND SERVICES INDIA
PRIVATE LIMITED & ORS.**

..... Defendants

Through: Mr. Chander Lall, Senior Advocate
with Mr. Ashish Aggarwal, Mr. J.
Baath, Mr. Ramya Aggarwal, Ms.
Yashi Agrawal and Mr. Abhinav,
Advocates for D-1.
Mr. Amit Sibal, Senior Advocate with
Mr. Nirupam Lodha, Mr. Nikhil
Ranjan, Mr. Gautam Wadhwa, Mr.
Rishabh Sharma, Mr. Saksham
Dhingra and Mr. Ankur Vyas,
Advocates for D-3.
Mr. Ayush Sharma, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.01.2024

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1. Learned Senior Counsel for Defendant No. 3 (Jiangsu World



Agriculture Machinery Co. Ltd.) states that copies of expert's report have not been received by them yet and they have applied for copies thereof, in terms of paragraph 16 of the order dated 06.12.2023. After receiving the copy, they would need time to file reply to the injunction application.

2. Re-notify on 01.04.2024.

I.A. no. 1778/2024 (under Order VII Rule 10 read with Section 151 CPC filed by defendant no.3)

3. Issue notice.

4. Counsel for Plaintiff accepts notice.

5. Let reply be filed within four weeks. Rejoinder thereto, if any, be filed within three weeks thereafter.

6. List on 01.04.2024.

I.A. no. 1963 (condonation of delay in filing the sur-rejoinder)

7. For the grounds and reasons stated in the application, the delay of 12 days in filing the sur-rejoinder is condoned and the application is allowed.

I.A. no. 1986/2024 (Condonation of delay in filing the written statement filed by the defendant no.3)

8. The present application seeks condonation of delay of 90 days from the expiry of the 30-day period granted by the Court for filing the written statement. It is noted that the application inadvertently seeks condonation of delay of 110 days from the expiry of the 30 day period granted by the Court, however, upon perusal of the date of summons and the date of filing, it is noted that the delay is within the condonable period. Mr. Amit Sibal, Senior Counsel for Defendant No. 3, states that there is sufficient cause for delay in filing the written statement as the Defendants were awaiting copies of the experts' reports in order to prepare reply. Mr. Sibal submits that these copies



have not been received till date and therefore, instead of delaying the matter further, the written statement has been filed.

9. For the grounds and reasons stated in the application, and on the basis of the pleadings advanced by Mr. Sibal, the application is allowed, subject to payment of costs of INR 25,000 to be deposited with Delhi State Legal Services Authority, within a period of two weeks from today.

I.A. no. 1985/2024 (Condonation of delay in filing the written statement filed by the defendant no.2)

10. The present application has been filed by Defendant No. 2, seeking condonation of delay of 89 days in filing the written statement, as the report of the experts are awaited, and procurement of documents from China and process of apostille caused substantial delay.

11. For the grounds and reasons stated in the application, the application is allowed, subject to payment of costs of INR 25,000 to be deposited with Delhi State Legal Services Authority, within a period of two weeks from today.

SANJEEV NARULA, J

JANUARY 24, 2024/ssc