



\$~1 to 3 (original) (2020 list)

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

+ CS(COMM) 342/2020 & I.A. 7332/2020, I.A. 7333/2020, I.A.
8760/2021, I.A. 8761/2021, I.A. 8762/2021

PHARMACYCLICS LLC & ANR. Plaintiffs
Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Pravin Anand, Mr. Dhruv Anand, Ms.
Udita Patro, Ms. Kavya Mammen and Ms.
Sampurna Sanyal, Advs.

versus

BDR PHARMACEUTICALS INTERNATIONAL PVT LTD &
ORS. Defendants
Through: Mr. Ashutosh Kumar and Mr.
Vinod Chauhan, Advs. for D-2

+ CS(COMM) 451/2020 & I.A. 9360/2020, I.A. 9361/2020, I.A.
1906/2021, I.A. 3476/2021, I.A. 8703/2021, I.A. 8742/2021, I.A.
8743/2021

PHARMACYCLICS LLC & ANR. Plaintiffs
Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Pravin Anand, Mr. Dhruv Anand, Ms.
Udita Patro, Ms. Kavya Mammen and Ms.
Sampurna Sanyal, Advs.

versus

SHILPA MEDICARE LIMITED & ANR. Defendants
Through: Mr. Varun Sharma, Adv. for D-1

CS(COMM) 342, 451, 571/2020

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+ CS(COMM) 571/2020 & I.A. 12649/2020, I.A. 12650/2020, I.A. 12651/2020, I.A. 8694/2021, I.A. 8695/2021, I.A. 8719/2021

PHARMACYCLICS LLC & ANR.

..... Plaintiffs

Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Pravin Anand, Mr. Dhruv Anand, Ms.
Udita Patro, Ms. Kavya Mammen and Ms.
Sampurna Sanyal, Advs.

versus

ALKEM LABORATORIES LTD

..... Defendant

Through: Mr. J. Sai Deepak, Mr. Guru
Natraj, Mr. Avinash K Sharma and Mr. Ankur
Vyas, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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05.08.2021

(Video-Conferencing)

CS(COMM) 342/2020

1. Written statement and replication stand filed.
2. Re-notify before the Joint Registrar on the date already fixed for completion of pleadings

I.A.7332/2020 in CS(COMM) 342/2020

3. Defendant No.1 has filed a reply to this application and rejoinder

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thereto has also been filed by the plaintiff.

4. Defendant No.2 has also filed a response. Mr. Anand submits that he would file the rejoinder thereto on or before 15th August, 2021. He is permitted to do so.

5. Mr. J. Sai Deepak, learned Counsel for Defendant No.3 submits that the written statement filed by his client in response to the suit may be treated as a reply to this application. The replication filed to the said written statement by the plaintiff may be treated as the rejoinder to this application. Therefore, pleadings in this application *qua* all the defendants would be complete.

6. List the application for hearing and disposal on 18th August, 2021.

7. Learned Counsel for the parties are at liberty to file short notes of their respective submissions in not exceeding five pages at least 24 hours in advance of the next date of hearing, after exchanging copies with each other.

I.A. 7333/2020 in CS(COMM) 342/2020

8. This application is directed only against Defendant Nos. 1 and 3.

9. Mr. J. Sai Deepak, learned Counsel for Defendant Nos.1 and 3



submits that he would file a reply to this application positively within one week from today. He is permitted to do so. Mr. Anand submits that the rejoinder thereto would be filed on or before the next date of hearing.

10. Re-notify on 18th August, 2021.

I.A. 8760/2021 in CS(COMM) 342/2020

11. Exemption allowed subject to all just exceptions.

12. The application stands disposed of.

I.A. 8761/2021 in CS(COMM) 342/2020

13. This application under Order VI Rule 17 of the CPC seeks to amend the plaint. The amendment essentially affects Defendant No.2. Mr. Ashutosh Kumar, learned Counsel for Defendant No.2 submits that he would file his reply to this application positively within ten days from today with advance copy to learned Counsel for the applicant who may file rejoinder thereto, if any, before the next date of hearing.

14. Re-notify for hearing and disposal of this application on 18th August, 2021.

I.A. 8762/2021 in CS(COMM) 342/2020



15. This is merely the amended interim application under Order XXXIX Rules 1 and 2 accompanying the amended plaint, for which application has been filed as I.A. 8761/2021. As such, no separate order is required to be passed in this application which is accordingly disposed of.

CS(COMM) 451/2020

1. Mr. Pravin Anand, learned Counsel for the plaintiff submits that he would be filing his replication to the written statement of the defendants in this matter before 15th August, 2021 being the time granted therefor.
2. Accordingly, re-notify on 18th August, 2021 when identical matters are stated to be listed.

I.A. 9360/2020 in CS(COMM) 451/2020

3. Mr. Anand informs that the Defendant No.1 has already made a statement before the Court that the written statement filed in response to the suit may be treated as its reply to this application. As such, Mr. Anand submits that the replication which he would file to the said written statement may be treated as the rejoinder to this application.
4. Defendant No.2 is permitted to file written submissions, if it so



choose on this application before the next date of hearing.

5. Accordingly, re-notify this application for hearing and disposal at the end of the Board, subject to part-heard matters, if any, on 18th August, 2021.

6. Learned Counsel for the parties are at liberty to file short notes of their respective submissions in not exceeding five pages at least 24 hours in advance of the next date of hearing, after exchanging copies with each other.

I.A. 9361/2020 in CS(COMM) 451/2020

7. Mr. Varun Sharma, learned Counsel for the Defendant No. 1 submits that he has already filed the requisite details in respect of which discovery was sought *vide* this application of the plaintiff and that, therefore, he does not seek to file any reply to this application. The application is accordingly disposed of taking the aforesaid statement on record.

I.A. 1906/2020 in CS(COMM) 451/2020

8. This is an application by the Defendant No.1 under Order VII Rule 11 of the Code of Civil Procedure, 1908. Mr. Anand submits that he has filed his reply to the application. Mr. Sharma submits that he would file his rejoinder thereto on or before the next date of hearing. He is directed

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positively to do so.

9. There has been no appearance on behalf of Defendant No.2. Mr. Varun Sharma submits that he would enter appearance on behalf of Defendant No.2 as well. He is directed to file a duly authorised *vakalatnama* within three days from today.

10. Defendant No.2 is granted a final opportunity of ten days to file a response to this application.

11. Re-notify on 18th August, 2021.

I.A. 3476/2021 in CS(COMM) 451/2020

12. This application is wrongly listed today as it already stands allowed by the Joint Registrar *vide* order dated 15th July, 2021.

I.A. 8703/2021 & I.A. 8743/2021 in CS(COMM) 451/2020

13. Exemption allowed subject to all just exceptions.

14. The applications stand disposed of.

I.A. 8742/2021 in CS(COMM) 451/2020

15. Re-notify on 18th August, 2021.

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CS (COMM) 571/2020

1. Renotify before the Joint Registrar on the date already fixed.

I.A. 8694/2021 in CS(COMM) 571/2020

2. For the reasons stated therein, the application is allowed.
3. The written statement is permitted to be taken on record. Mr. Anand submits that the replication to the written statement would be filed on or before 15th August, 2021.

I.A. 12649/2020 in CS(COMM) 571/2020

4. Mr. Natraj, learned Counsel for the defendant submits that the written statement filed by the defendant in response to the suit may be treated as the reply to this application. Mr. Anand submits that, in view thereof, the replication filed to the written statement may be treated as the rejoinder to this application.
5. As such, pleadings in this application are complete.
6. Accordingly, re-notify this application for hearing and disposal at the end of the Board, subject to part-heard matters, if any, on 18th August,



2021.

7. Learned Counsel for the parties are at liberty to file short notes of their respective submissions in not exceeding five pages at least 24 hours in advance of the next date of hearing, after exchanging copies with each other.

I.A. 12650/2020 in CS(COMM) 571/2020

8. Mr. Natraj submits that he would file his reply positively to this application within one week from today. He is permitted to do so. Let rejoinder thereto, if any, be filed on or before the next date of hearing.

9. Re-notify on 18th August, 2021.

I.A. 12651/2020 in CS(COMM) 571/2020

10. This is an application for filing additional documents. Mr. Natraj has no objection thereto.

11. The application stands allowed.

I.A. 8694/2021, I.A. 8695/2021 & I.A. 8719/2021 in CS(COMM) 571/2020

12. Exemption allowed subject to all just exceptions.



13. The applications stand disposed of.

AUGUST 5, 2021/kr

C. HARI SHANKAR, J