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

+ **C.O.(COMM.IPD-PAT) 38/2022**

MACLEODS PHARMACEUTICALS LTDPETITIONER

Through: Mr.G. Nataraj, Ms.Harshita Agarwal,
Mr.Rahul Bhujbal and Mr.Varsha
Jhavar, Advocates.

versus

THE CONTROLLER OF PATENTS & ANR. RESPONDENTS

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Sagar Mehlawat and
Mr.Alexander Mathai Paikaday,
Advocates for R-1.
Mr.Ashok Aggarwal, Senior
Advocate with Dr. Sanjay Kumar,
Ms.Arпита Sawhney, Mr.Arun Kumar
Jana, Ms.Mennal Khurana,
Mr.Harshit Dixit, Mr.Priyansh
Sharma, Advocates for R-2

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

ORDER

% **10.05.2023**

I.A. 8535/2023 (delay 16 days in filing reply to I.A.647/2023)

1. For the reasons stated in the application, the same is allowed and the delay in filing reply to I.A. 647/2023 is condoned.

I.A. 647/2023 (O-11 R-1(5) of CPC)

2. The present application has been filed on behalf of the petitioner



seeking permission to place on record the following documents:

- a. Complaint filed in CS(Comm) 240/2019 titled ***Boehringer Ingelheim Pharma GmbH & Co. KG & Anr. v. Vee Excel Drugs and Pharmaceuticals Pvt. Ltd. & Ors*** (currently pending before this Court).
- b. Order dated 10.05.2019 passed by this Court in CS(Comm) 240/2019 titled ***Boehringer Ingelheim Pharma GmbH & Co. KG & Anr. v. Vee Excel Drugs and Pharmaceuticals Pvt. Ltd. & Ors.***
- c. Reply filed by the plaintiff to the defendant's application under O. XI R.1(10) of the Commercial Courts Act, 2015 in COMS 3/2022 titled ***Boehringer Ingelheim International GmbH & Anr. v. Macleods Pharmaceuticals Ltd.*** (pending before the High Court of Himachal Pradesh).
3. I have heard the counsel for the parties.
4. In view of the fact that the aforesaid documents are in the nature of pleadings already filed before this Court and the Himachal Pradesh High Court and an order passed by this Court, the petitioner is permitted to place the aforesaid documents on record.
5. In view of the aforesaid documents of the petitioner being taken on record, the written statement filed on behalf of the respondent in CS (COMM)240/2019 filed along with the reply to the present application, is also permitted to be taken on record
6. Senior Counsel submits that he will be filing an appropriate application to place other documents filed along with the reply on record.
7. Accordingly, the present application stands disposed of.



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8. Liberty is given to the parties to file written submissions along with the judgments in support one week before the next date of the hearing with copies to the other side.
9. List on 20th July, 2023.

MAY 10, 2023

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AMIT BANSAL, J.