



\$~19 to 21

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

+ CS(COMM) 93/2023 & I.A. No. 3326/2023

ADAMA INDIA PRIVATE LIMITED

.....Plaintiff

Through: Mr. J. Sai Deepak, Senior Advocate
with Mr. Mohit Goel, Mr. Sidhant
Goel, Mr. Deepankar Mishra,
Mr. Aditya Goel and Mr. Avinash K.
Sharma, Advocates.
(M): 9716746496
Email: deepankar@simandsan.com

versus

FMC CORPORATION & ANR.

.....Defendants

Through: Mr. Adarsh Ramanujan with
Ms. Aadya Chawla, Mr. George
Vithayathil, Ms. Simrat Kaur Sareen,
Ms. Ahaana Singh Rana, Ms. Surabhi
Mahajan and Mr. Parth Singh,
Advocates.
(M): 8449336373
Email: ahaana@singhandsingh.com

+ CS(COMM) 239/2023 & I.A. Nos. 7771/2023, 7772/2023 &
16883/2023

FMC CORPORATION & ORS.

.....Plaintiffs

Through: Mr. Adarsh Ramanujan with
Ms. Aadya Chawla, Mr. George
Vithayathil, Ms. Simrat Kaur Sareen,
Ms. Ahaana Singh Rana, Ms. Surabhi
Mahajan and Mr. Parth Singh,
Advocates.
(M): 8449336373



Email: ahaana@singhandsingh.com

versus

ADAMA INDIA PRIVATE LIMITED & ANR.Defendants

Through: Mr. J. Sai Deepak, Senior Advocate
with Mr. Mohit Goel, Mr. Sidhant
Goel, Mr. Deepankar Mishra,
Mr. Aditya Goel and Mr. Avinash K.
Sharma, Advocates.
(M): 9716746496
Email: deepankar@simandsan.com

+ CS(COMM) 896/2023 & I.A. Nos. 25428/2023, 25431/2023,
4709/2024, 10101/2024, 31569/2024 & 41324/2024

FMC CORPORATION & ORS.Plaintiffs

Through: Mr. Adarsh Ramanujan with
Ms. Aadya Chawla, Mr. George
Vithayathil, Ms. Simrat Kaur Sareen,
Ms. Ahaana Singh Rana, Ms. Surabhi
Mahajan and Mr. Parth Singh,
Advocates.
(M): 8449336373
Email: ahaana@singhandsingh.com

versus

ADAMA INDIA PRIVATE LIMITED & ANR.Defendants

Through: Mr. J. Sai Deepak, Senior Advocate
with Mr. Mohit Goel, Mr. Sidhant
Goel, Mr. Deepankar Mishra,
Mr. Aditya Goel and Mr. Avinash K.
Sharma, Advocates.
(M): 9716746496
Email: deepankar@simandsan.com

CORAM:



HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

16.01.2025

I.A. Nos. 10101/2024 & 31569/2024 (Applications for condonation of delay in filing the written statements on behalf of defendant nos. 1 and 2)

1. The present applications have been filed on behalf of defendant nos. 1 and 2 seeking condonation of delay in filing the written statement.
2. While *I.A. No. 10101/2024* has been filed on behalf of defendant no. 1 seeking condonation of delay of 68 days in filing the written statement, *I.A. No. 31569/2024* is an application on behalf of defendant no. 2 seeking condonation of delay of 76 days in filing the written statement.
3. Learned Senior Counsel appearing for defendant nos. 1 and 2 submits that when the suit was listed for the first time on 18th December, 2023, the defendants had put in appearance on the basis of checking the cause list. It is submitted that no advance service of the plaint had been given to the defendant nos. 1 and 2.
4. Attention of this Court has been drawn to the emails dated 18th December, 2023, 26th December, 2023 and 10th January, 2024 written by the defendants to the plaintiff seeking the service of the plaint along with documents.
5. Perusal of the record shows that *vide* email dated 15th January, 2024, the plaintiff wrote to the defendants, stating therein that they were sharing a link by which the complete set of suit, along with documents, can be downloaded. The Email dated 15th January, 2024 is on record and has been filed along with the applications.



6. Thus, it is submitted that the time period for filing written statement by the defendants has to be counted from 15th January, 2024, when complete set of suit along with documents was served upon the defendants.

7. Per contra, learned counsel appearing for the plaintiff draws the attention of this Court to the reply filed on behalf of the plaintiff, wherein, they have attached a copy of the Email dated 16th December, 2023 showing the service to the defendants.

8. Having heard learned counsels for the parties and having perused the record, this Court notes that there is no proof of service that has been filed by the plaintiff at the time of filing of the suit.

9. Further, this Court takes note of the submission made by learned Senior Counsel appearing for the defendants that there is contradiction in the pleading as regards the service of the plaint to the defendants.

10. Accordingly, granting benefit of doubt in favour of the defendants, this Court is of the view that the time period for filing the written statement by the defendants, shall be counted from 15th January, 2024, when the plaintiff served the complete set of plaint along with documents, to the defendants by way of email dated 15th January, 2024.

11. Considering the aforesaid facts, circumstances and submissions made before this Court, since the delay in filing the written statements by the defendants, is within the statutory period, the delay in filing the written statements by defendant nos. 1 and 2, is accordingly condoned.

12. The written statements filed on behalf of defendant nos. 1 and 2, are directed to be taken on record.

13. Accordingly, the present applications stand disposed of.

I.A. No. 41324/2024 (Application seeking directions to close the rights of



the defendants to file written statement)

14. In view of the order passed by this Court today in *I.A. Nos. 10101/2024 & 31569/2024*, the present application has become infructuous.

15. Accordingly, the present application is disposed of as infructuous.

CS(COMM) 896/2023

16. By today's order, this Court has taken on record the written statements filed on behalf of defendant nos. 1 and 2, after condoning the delay in filing the said written statements.

17. Accordingly, liberty is granted to the plaintiffs, to file their replication within the statutory period, which shall be counted from today.

18. Learned Senior Counsel appearing for the defendants in *CS(COMM) 896/2023*, submits that a counter claim on their behalf has been filed, which is yet to be numbered.

19. Accordingly, the Registry of this Court is directed to number the counter claim and have the same placed on record.

20. Copy of the counter claim filed on behalf of the defendants, is directed to be served upon the plaintiff.

21. Accordingly, list for completion of pleadings before the Joint Registrar (Judicial) on 21st January, 2025, i.e., the date already fixed.

22. List for hearing of *I.A. Nos. 7771/2023 and 25428/2023*, on 29th April, 2025.

MINI PUSHKARNA, J

JANUARY 16, 2025/c