

Vifor (International) Ltd. & Anr vs Eris Lifesciences Limited & Ors on 3 August, 2022

Author: Jyoti Singh

Bench: Jyoti Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 505/2022

VIFOR (INTERNATIONAL) LTD. & ANR. Plaintiff
Through: Mr. Dayan Krishnan,
Advocate with Mr. Pravin Anand, Ms. Vaisha
Mittal and Mr. Rohin Koolwal, Advocates.

versus

ERIS LIFESCIENCES LIMITED & ORS. Defendant
Through: Mr. Mihir Thakore, Senior Advocate
with Ms. Bitika Sharma, Ms. Abhineeta
Chaturvedi, Ms. Vrinda Pathak and Mr. Vikram
Singh Dalal, Advocates for D-1 and 2.
Mr. Chander M. Lall, Senior Advocate with
Ms. Rajeshwari H., Mr. Shikhar Khare, Mr.
A.J., Mr. Utkarsh Kulvi, Mr. Pranav Malhotra,
Ms. Ananya, Advocates for D-3 and 4.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 03.08.2022

CAV 212-213/2022

1. Since learned counsel for the Caveators has entered appearance, caveat stands discharged.

CAV 214-215/2022

2. Since learned counsel for the Caveators has entered appearance, caveat stands discharged.

I.A. 11680/2022 (Exemption)

3. Subject to the Plaintiffs filing originals, clearer copies, documents with proper margins and translated copies, which they may seek to place reliance on, within four weeks from today,

exemption is granted.

4. Application is allowed and disposed of. I.A. 11681/2022 (Exemption from filing court fees)

5. For the reasons stated in the application, Plaintiff is permitted to file requisite Court Fees within two weeks from today.

6. Application is allowed and disposed of. I.A. 11679/2022 (seeking leave to file additional documents)

7. Present application has been preferred on behalf of the Plaintiffs seeking leave to file additional documents under Order 11 Rule 1(4) CPC.

8. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015.

9. Application is allowed and disposed of. CS(COMM) 505/2022

10. Let plaint be registered as a suit.

11. Issue summons.

12. Ms. Bitika Sharma, learned counsel enters appearance on behalf of Defendants No. 1 and 2.

13. Ms. Rajeshwari H., learned counsel enters appearance on behalf of Defendants No. 3 and 4.

14. Written statements be filed by Defendants within 30 days from today along with affidavit of admission/denial of the documents filed by the Plaintiffs.

15. Replications thereto be filed by the Plaintiffs within 15 days of the receipt of the written statement along with an affidavit of admission/denial of the documents filed by Defendants.

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

17. List before the learned Joint Registrar on 18.10.2022. I.A. 11677/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiffs)

18. Present application has been preferred by the Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 for grant of an ex-parte ad-interim injunction.

19. Issue notice.

20. Ms. Bitika Sharma, learned counsel accepts notice on behalf of Defendants No. 1 and 2.

21. Ms. Rajeshwari H., learned counsel accepts notice on behalf of Defendants No. 3 and 4.

22. Short reply is stated to have been filed by the Defendants.

23. Let rejoinder be filed, before the next date of hearing.

24. Defendants are directed to maintain the accounts from the date of launch of the product, till the next date of hearing.

25. List on 17.08.2022 before Court.

I.A. 11678/2022 (seeking interrogatories, by Plaintiffs)

26. Issue notice.

27. Ms. Bitika Sharma, learned counsel accepts notice on behalf of Defendants No. 1 and 2.

28. Ms. Rajeshwari H., learned counsel accepts notice on behalf of Defendants No. 3 and 4.

29. List on 17.08.2022 before Court.

I.A. 12274/2022 (under Section 10 read with Section 151 of CPC, by Defendants No. 3 and 4)

30. Issue notice.

31. Mr. Pravin Anand, learned counsel accepts notice on behalf of the Plaintiffs.

32. Reply, if any, be filed before the next date of hearing.

33. List on 17.08.2022 before Court.

JYOTI SINGH, J AUGUST 03, 2022/rk