

Vifor (International) Ltd. & Anr vs Biokindle Lifesciences Private ... on 11 April, 2023

Author: Amit Bansal

Bench: Amit Bansal

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 198/2023 & I.A. 6493/2023 (O-XI R-2 of CPC)

VIFOR (INTERNATIONAL) LTD. & ANR. Plaintiffs

Through: Mr. Pravin Anand, Ms. Vaishali
Mittal and Mr. Rohin Koolwal,
Advocates.

versus

BIOKINDLE LIFESCIENCES PRIVATE
LIMITED

..... Defendant

Through: Ms. Rajeshwari H., Mr. Jatin Trivedi,
Mr. Pratik Chaudhary, Bhav Arora,
Mr. Samanyu Bhatnagar and
Mr. Tahir Jabbar, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% 11.04.2023 I.A. 6495/2023 (for exemption)

1. Subject to the plaintiffs filing documents with proper margins and the original, translated, typed and clear and legible copies of the documents on which the plaintiffs may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

I.A. 6497/2023 (u/S 151 CPC)

3. Subject to the plaintiffs filing notarized affidavits within two weeks CS(COMM) 198/2023 Page 1 18:54:01 Signing Date:11.04.2023 of 4 from today, exemption is granted for the present.

4. The application is disposed of.

I.A. 6496/2023 (u/S 149 CPC)

5. Counsel for the plaintiffs submits that the requisite court fees has been deposited. In view thereof, no orders are required to be passed in the present application.

6. Accordingly, the application is disposed of as infructuous. I.A. 6498/2023 (u/S 12A of CC Act)

7. In view of the urgent interim relief sought, the plaintiffs are granted exemption from the requirement of pre-institution mediation in terms of Section 12A of the Commercial Courts Act, 2015.

8. Accordingly, the application stands disposed of. I.A. 6494/2023 (O-XI R-1(4) of CC Act)

9. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.

10. The plaintiffs are granted thirty days' time to file additional documents.

11. Accordingly, the application is disposed of. CS(COMM) 198/2023

12. This matter has been received on transfer from the Bench of C. Hari Shankar, J. as the connected suit, being CS(COMM) 505/2022, is listed before this Court on 24th July, 2023.

13. Let the plaint be registered as a suit.

14. Issue summons.

15. Summons be issued to the defendant through all modes. The CS(COMM) 198/2023 Page 2 18:54:01 Signing Date:11.04.2023 of 4 summons shall state that the written statement shall be filed by the defendant within thirty days from the date of the receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.

16. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement. Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendant be filed by the plaintiffs.

17. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

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

19. List before the Joint Registrar on 24th July, 2023 for completion of service and pleadings.

I.A. 6492/2023 (O-XXXIX R-1 & 2 of CPC)

20. Issue notice.

21. Notice is accepted by the counsel appearing on behalf of the defendant.

22. Reply be filed on or before 15th April, 2023 with an advance copy to the counsel for the plaintiffs.

23. In the meanwhile, the defendant shall maintain accounts in respect of the impugned product being sold by them.

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24. List on 17th April, 2023 along with CS(COMM)194/2023.

AMIT BANSAL, J.

APRIL 11, 2023
at

CS (COMM) 198/2023

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