

**CS 871/18**  
**FRESENIUS KABI ONCOLOGY LTD. Vs. SMS**  
**PHARMACEUTICALS LTD**

**06.07.2023**

Present: Ms. Veera Mathai and Sh. Sanjay Jha, Ld counsel for the plaintiff.

Sh. Keshav Sehgal, Ld counsel for the defendant.

Matter is pending at the stage of PE.

Affidavit of PW-1 was filed on 04.07.2023 along with an application seeking waiver of the cost. Copy supplied. Arguments heard on the application seeking waiver of the cost. Considered the application as well as the last orders. Cost was imposed on account of absence of the witness and for failure to file the list of witnesses. Even the copy of the affidavit was not supplied. Accordingly, no grounds are made out to waive of the cost, more so, when advance copy of the affidavit was not supplied yet again in terms of the last orders. Application stands dismissed. Cost be paid on or before the next date of hearing.

Affidavit of admission and denial and list of witnesses has been filed by the defendant.

PW-1 has been examined. His cross examination is deferred on the ground that advance copy of the affidavit has not been supplied.

Relist the matter for cross examination of PW-1 now on 20.11.2023.

**(Gaurav Rao)**  
**Additional District Judge-03**  
**Patiala House Courts, New Delhi**  
**06.07.2023**