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

+ **CS(COMM) 380/2025**

SUN PATENT TRUST

.....Plaintiff

Through: Mr. Pravin Anand, Ms. Vaishali Mittal, Mr. Siddhant Chamola and Ms. Gitanjali Sharma, Advocates.

versus

VIVO MOBILE COMMUNICATION CO. LTD.

& ORS.

.....Defendants

Through: Mr. Saikrishna Rajagopal, Ms. Julien George, Mr. Arjun Gadhoke, Ms. Alka Bisht, Mr. Christo Sabu and Mr. Devanjan Chakravarty, Advocates.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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01.09.2025

I.A. 21459/2025 (Exemption)

1. This is an Application filed on behalf of the Defendants under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking exemption from dividing the documents into volumes.
2. The learned Counsel for the Plaintiff does not have any objection to the prayer sought by the Defendants in this Application.
3. Accordingly, the present Application is allowed and the Defendants are exempted from dividing the documents filed in support of the Defendants' Written Statement into volumes.
4. The Application stands disposed of.

I.A. 10387/2025

5. This is an Application filed on behalf of the Plaintiff under Order XI



Rule 2 of the CPC as amended by the Commercial Courts Act, 2015 (“CC Act”) read with Chapter IV of the Delhi High Court (Original Side) Rules, 2018 and Section 151 of the CPC, seeking permission to serve the Defendants with the interrogatories contained in Annexure A to this Application.

6. The learned Counsel for the Defendants submits that all the three interrogatories are answered. It is further submitted that interrogatory Nos. 2 and 3 are answered and provided in a sealed envelope.

7. As regards the access to be given to the Plaintiff of the interrogatories answered in sealed envelope, the same shall be decided at an appropriate stage.

8. As the interrogatories sought by the Plaintiff have already been answered by the Defendants, no further orders are required to be passed in this Application.

9. Accordingly, the Application stands disposed of.

I.A. 21460/2025

10. This is an Application filed on behalf of the Plaintiff under Section 151 of the CPC seeking permission for filing the Plaintiff’s unredacted Rejoinder to the Reply to I.A. 10385/2025 in a sealed envelope and in a password protected document.

11. Learned Counsel for the Defendant does not have objection to the prayer sought in this Application. Accordingly, the Plaintiff is permitted to file the unredacted Rejoinder to Reply to I.A. No. 10385/2025 in a sealed envelope and in a password protected document.

12. It is directed that Defendants’ Counsel and Representatives having access to the documents filed in sealed envelope shall maintain the strict



confidentiality about the contents thereof.

13. The Application stands disposed of.

I.A. 20885/2025

14. This is an Application filed on behalf of the Defendants under Section 151 of the CPC, seeking leave to file Defendants' Affidavit in response to interrogatory No. 1 in a sealed envelope.

15. The learned Counsel for the Plaintiff does not have any objection to the prayer sought in this Application.

16. Accordingly, the Application is allowed and the Defendants are permitted to file the Affidavit in response to the interrogatory No. 1 in a sealed envelope under the protection of the Registry of this Court.

17. It is directed that no access with regard to the said Affidavit shall be given to the non-Parties to the Suit.

18. The learned Counsel for the Plaintiff and any Representatives of the Plaintiff, having access to this response to the interrogatory No. 1, shall maintain confidentiality with regard to the same.

19. The Application stands disposed of.

I.A. 10386/2025 and I.A. 17918/2025

20. I.A. 10386/2025 is an Application under Section 151 of the CPC seeking direction to the Defendants for payment of monies directly to the Plaintiff, based on the FRAND rate offered to the Defendants by the Plaintiff during negotiations for the unlicensed manufacture, import and sale of 4G / LTE-A complaint devices in order to secure the rights and interests of the Plaintiff during the pendency of the Plaintiff's interim injunction Application being I.A. 10385/2025.

21. I.A. 17918/2025 is an Application filed under Order XI Rule 1(5) of



the CPC as amended by the CC Act read with Section 151 of the CPC, seeking leave to place on record the additional documents relating to the testing of the devices.

22. The learned Counsel for the Parties shall file their respective combined Written Submissions along with the case laws on which they wish to rely upon within a period of one week in these Applications.

23. List both I.A. 10386/2025 and I.A. 17918/2025 for hearing on 25.09.2025.

TEJAS KARIA, J

SEPTEMBER 1, 2025

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