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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 382/2019

ENCONCORE N.V.

..... Plaintiff

Represented by: **Dr. Shilpa Arora & Mr. Ankit Arvind,
Advocates.**

versus

ANJANI TECHNOPLAST LTD. & ANR.

..... Defendants

Represented by: **Mr. Chander Lall, Sr. Advocate with
Mr. Vivek Singh, Ms. Mayanka
Dhawan, Mr. Ashutosh Kumar,
Advocates with Mr. R.K. Gupta, MD,
Ms. Ranjana Pathak &
Mr. Vishwakarma in person.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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08.11.2019

I.A. No.15073/2019 (for exemption)

1. Allowed, subject to all just exceptions. Certified copies, if any, be filed within three weeks. Application is disposed of.

I.A. No.15071/2019 (u/O VIII Rule 1 CPC by defendants)

2. By this application, the defendants seek condonation of delay of 31 days in filing the written statement. The case of the defendants is that since the suit involves technical issues, inputs of an expert were required to be taken, resulting in delay in filing the written statement.

3. Sufficient cause having been explained, delay of 31 days in filing the written statement is condoned. Application is disposed of.

C.S. (COMM) No.382/2019

Page 1 of 4



C.S. (COMM) No.382/2019

4. Written statement be taken on record. Replication, if any, be filed within three weeks. Affidavis of admission denial be filed with pleadings.

5. List the Suit before learned Joint Registrar on 30th January, 2020.

I.A. No.15566/2019 (u/S 151 CPC by plaintiff)

6. In view of the order passed by this court in I.A. No.15071/2019, learned counsel for the plaintiff does not press this application. Application is dismissed as withdrawn.

I.A. No.15565/2019 (u/S 151 CPC by defendants)

7. Notice. Learned counsel for the plaintiff/non-applicant accepts notice. Reply affidavit be filed within three weeks. Rejoinder affidavit, if any, be filed within one week thereafter.

8. List on 10th December, 2019.

I.A. No.15349/2019 (u/O XXXIX Rule 4 CPC by defendants)

9. Notice. Learned counsel for the plaintiff/non-applicant accepts notice. Reply affidavit, if any, be filed within three weeks. Rejoinder affidavit in one week thereafter.

10. List on 10th December, 2019.

I.A. No.15072/2019 (under Rule 17 of DHC (Original Sides) Rules, 2018 by defendants)

11. Reply affidavit, if any, to the application be filed by the plaintiff within three weeks. Rejoinder affidavit in one week thereafter.

12. List on 10th December, 2019.

C.S. (COMM) No.382/2019

Page 2 of 4



I.A. No.10142/2019 (u/O XXXIX Rule 1 & 2 CPC by plaintiff)

13. List on 10th December, 2019.

CCP (O) No.47/2019

1. Managing Director of the defendants is present in court. The said contempt petition has been filed by the plaintiff pursuant to the Local Commissioner's report who stated that initially when they went to execute the commission, they were stopped from execution of the same and the officer/worker of the company resisted. Finally, the police was called and the learned Local Commissioner was informed that the honeycomb material manufactured and developed by the defendants company was used for packaging supplies to the Ministry of Defence and hence, the access to the premises of the defendants was restricted.

2. In view of the report of the learned Local Commissioner, this court passed further orders directing the learned Local Commissioner to re-visit the premises and to file photographs of the infringing products/process in a sealed cover before this court without giving copies to any of the parties.

3. Considering the fact that the resistance to the inspection of the factory premises of the defendant No.1 was *bona fide* for security reasons, notice of contempt as issued to the defendants is discharged.

4. Contempt petition is disposed of.

CC No. /2019 (to be numbered)

1. Counter-claim be registered.

2. Issue summons in the counter-claim to the plaintiff/non-

C.S. (COMM) No.382/2019

Page 3 of 4



applicant. Written statement be filed within 30 days. Replication within four weeks thereafter. Affidavits of admission/ denial shall be filed along with the pleadings.

3. List the suit and the counter-claim before the learned Joint Registrar for admission/denial of documents on 30th January, 2020.

4. List the Suit and counter claim before Court on 13th February, 2020.

MUKTA GUPTA, J.

NOVEMBER 08, 2019

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