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

+ **CS (COMM) 573/2021 & I.A. 14842/2021**

**RXPRISM HEALTH SYSTEMS PRIVATE LIMITED
& ANR.**

..... Plaintiffs

Through: Mr. Tanmya Mehta, Mr. Sanyam
Khetarpal, Mr. Nitesh Goyal, Ms.
Prakriti Anand & Mr. Karan Vijayan,
Advocates (M-98736742250)

versus

CANVA PTY LTD & ORS.

..... Defendants

Through: Mr. Saikrishna Rajagopal, Ms. Sneha
Jain, Ms. Garima Sahney, Dr. Victor
Vaibhav Tandon, Ms. Shruti Jain, Mr.
Devvrat Joshi & Ms. Bhamini
Shenoy, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 24.05.2022

1. This hearing has been done through hybrid mode.
2. As per the previous order dated 17th May 2022, both parties were directed to bring their respective source codes of their product/application and place them in a sealed cover before the Court for consideration on the next date, i.e. today.
3. The Id. Counsel for the Plaintiff submits that the source code is ready for submission to the Court in a sealed cover. An application is stated to have been filed by the Defendants under Section 151 this morning seeking further time of two weeks to bring and place on record the source code of Defendants' product in a sealed cover. As per the said application, the claim



of the Defendant is that they offer a gamut of features available on their application. One such feature is the ‘Present and Record’ feature which is impugned by the Plaintiff in the present suit.

4. Further, Id. Counsel for the Defendant submits that the Defendants use *monorepo* repository, a software development strategy where code for many projects is stored in the same repository, to store the source code of the impugned feature, and that it would take, *“a significant amount of time for the Defendants engineers to identify and isolate the part of the source code that is relevant to the alleged feature of the Defendants”*.

5. The Court has perused the application which has been handed over. Let the application be brought on record and be numbered.

6. In addition, the Court has today seen a presentation by the Plaintiff and the Defendants of their respective products/applications. After viewing the same, it is directed that the Defendants shall file the entire source code relating to their product without separating the same and themselves identifying the relevant parts. It is made clear that the source code of the Defendants’ product shall not be modified for the purpose of filing. The source code shall be filed in respect of all segments of the Defendant’s product which contain the ‘Present and Record’ feature. This shall be done in a sealed cover.

7. This Court intends to refer the source codes belonging to the two products/applications to an expert for examination, who shall keep the source code confidential. Therefore, it is directed that the said source code shall be placed before the court on the next date of hearing. The source code may be filed by both the parties in electronic form, if the same is bulky.



8. It is made clear that if the source code is not filed by the said date or produced on the said date, adverse inference would be liable to be drawn against the Defendants.
9. List on 30th May, 2022.

PRATHIBA M. SINGH, J.

MAY 24, 2022/Rahul/SS