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

+ **CS(COMM) 716/2023**

AKUMS DRUGS AND PHARMACEUTICALS LTD

.....Plaintiff

Through: Mr. Abhishek Sandillya, Adv.
(Through VC)

versus

PREMEDIUM PHARMACEUTICALS PVT LTD & ORS.

.....Defendants

Through: Mr. Tejasvi Kumar, Mr. Viraj
Srivastava, Advs. for D1, 2, 4, 5 & 7

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

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15.07.2024

Written statement has been filed on behalf of defendant no. 1, 2, 4, 5 & 7 along with application for condonation of delay.

I.A. No. 8387/2024

This is an application moved on behalf of defendants no. 1, 2, 4, 5 & 7 seeking condonation of delay in filing the written statement.

It is submitted by learned counsel that there is a delay of about 90 days in filing the written statement and same was caused because of pre-litigation mediation proceedings between the parties. He requested that delay may be condoned.

Reply has been filed opposing the mediation. Learned counsel for plaintiff submitted that there are wrong reasons mentioned in the



application. He further submitted that there is not a delay of 90 days but it is about 110 days as per the own averments of the learned counsel for defendants. The reasons are not satisfactory. Therefore, the application is liable to be dismissed.

I have considered the submissions of both parties and perused the record. The service was effected on 23.11.2023 and thereafter written statement was filed on 20.02.2024 i.e. within 90 days. However, because of the objections, it was thereafter filed on 13.03.2024 and it is also within the period of 110 days. Keeping in view the entire facts and circumstances, the delay in filing the written statement on behalf of defendants no. 1, 2, 4, 5 & 7 condoned subject to a cost of Rs. 5,000/- to be given to the opposite party.

The captioned IA stands allowed and **disposed of**.

The written statement be taken on record accordingly.

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Replication has already been filed and copy has been received by the learned opposite counsel.

No one is appearing for defendant no. 3 & 6. Therefore, right to file written statement on behalf of defendant no. 3 & 6 stands closed.

Pleadings are complete.

It is further submitted by learned counsel for plaintiff that he has already filed an application for placing on record some additional documents but same is not listed today.

Put up for completion of process of filing Joint Document Schedule in terms of **Rule 7A of Chapter VII of The Delhi High Court (Original Side) Rules, 2018** physically by plaintiff after getting it signed from defendants, admission / denial of documents and marking of Exhibits in



accordance with law on 06.08.2024.

Documents, if e-filed be filed physically by parties so as to mark the Exhibits.

DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)

JULY 15, 2024/sms

Click here to check corrigendum, if any