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

+ CS(COMM) 607/2024 & I.A. 34151/2024, I.A. 34152/2024, I.A. 34153/2024, I.A. 34154/2024, I.A. 34155/2024

FMC CORPORATION & ORS.

.....Plaintiffs

Through: Mr. Sandeep Sethi, Mr. Adarsh Ramanujan, Ms. Bitika Sharma, Ms. Aadya Chawla, Mr. George Vithayathil, Mr. Shivam Kaushik and Mr. Yogesh, Advocates.

versus

NATCO PHARMA LIMITED

.....Defendant

Through: Mr. J. Sai Deepak, Advocate with Mr. Mohit Goel, Mr. Sidhant Goel, Mr. Deepankar Mishra, Mr. Aditya Goel, Mr. Kartikeya Tandon, Mr. Vivek Pratap Singh and Mr. Avinash Sharma, Advocates.
Mob: 9716746496

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **24.07.2024**

I.A. 34153/2024 (Exemption from filing clearer copies)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking an exemption from filing clearer copies or documents with exact margins and/or which are handwritten or English translations, certified copies and from filing originals of the relevant documents at this stage, along with supporting affidavit.



2. Exemption is granted, subject to all just exceptions.
3. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance, within four weeks from today or before the next date of hearing, whichever is earlier.
4. Accordingly, the present application is disposed of.

I.A. 34155/2024 (Exemption from filing the documents in separate volumes)

5. The present is an application under Section 151 CPC, filed on behalf of the plaintiffs, seeking exemption from filing the documents in separate volumes.
6. In view of the averments made in the application, the same is allowed.
7. Let the needful be done, accordingly.
8. With the aforesaid directions, the application is disposed of.

I.A. 34154/2024 (Exemption from Pre-Institution Mediation)

9. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of CPC for exemption from undergoing Pre-Institution Mediation.
10. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar versus T.K.D. Keerthi*, 2023 SCC OnLine SC 1382, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd.*, 2022 SCC OnLine Del 3529, exemption from attempting Pre-Institution Mediation, is granted.
11. Accordingly, the application stands disposed of.

I.A. 34152/2024 (for disclosure and discovery)

12. The present is an application filed on behalf of the plaintiffs under



Order XI Rule 1(6), as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division Act, 2015 read with Chapter IV of the Delhi High Court (Original Side) Rules read with Section 151 CPC for discovery and disclosure.

13. Issue notice.
14. Notice is accepted by learned counsel appearing for the defendant.
15. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

CS(COMM) 607/2024

16. Learned counsel appearing for defendant appears on advance notice.
17. Let the plaint be registered as suit.
18. Issue summons.
19. Summons is accepted by learned counsel appearing for defendant.
20. Let written statement be filed by the defendant within 30 days from today. Along with the written statement, the defendant shall also file affidavit of admission/denial of the document of the plaintiffs, without which the written statement shall not be taken on record.
21. Liberty is given to the plaintiffs to file a replication within 30 days of the receipt of the written statement. Along with the replication, if any, filed by the plaintiffs, affidavit of admission/denial of documents, filed by the defendant, be filed by the plaintiffs, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
22. List before the Joint Registrar (Judicial) on 9th September, 2024.
23. List before the Court on 31st July, 2024.
24. It is made clear that any party unjustifiably denying documents would



be liable to be burdened with costs.

I.A. 34151/2024 (under Order XXXIX Rules 1 and 2)

25. Issue notice.
26. Notice is accepted by learned counsel appearing for the defendant.
27. Let reply be filed within a period of three days. Rejoinder thereto, if any, be filed within a period of two days, thereafter.
28. Parties are also at liberty to file their short note of submissions, along with the judgments that they wish to rely upon, before the next date of hearing.
29. List before the Joint Registrar (Judicial) on 9th September, 2024.
30. List before the Court on 31st July, 2024.

MINI PUSHKARNA, J

JULY 24, 2024

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