

\$~3 (original side)

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

+ CS(COMM) 611/2019, I.A. 4274/2020, I.A. 5209/2020, I.A. 5210/2020

FMC CORPORATION & ANR

..... Plaintiffs

Through: Mr. Sudhir Chandra, Sr.  
Advocate with Mr. Pravin  
Anand, Mr. Dhruv Anand, Ms.  
Udita Michelle Patro and Mr.  
Devinder Rawat, Advs.

versus

NATCO PHARMA LIMITED

.... Defendant

Through: Mr. J. Sai Deepak, Mr. G.  
Natraj and Mr. Avinash K.  
Sharma, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE C .HARI SHANKAR**

**ORDER**

% **10.07.2020**

(Video-Conferencing)

**IA 5210/2020**

1. This application seeks exemption from the requirement of filing of duly notarised affidavits, accompanying IA 5209/2020, amended plaint as well as notarized statement of truth in support of the amended plaint, as well as payment of requisite court fees, in view of the prevailing lockdown, consequent to the COVID-2019 pandemic.

2. In view of the presently prevailing situation, where a lockdown

has been imposed consequent on the COVID-2019 pandemic, and in view of the order dated 4<sup>th</sup> April, 2020 passed by this Court on the administrative side, this application is allowed, subject to the applicant filing duly affirmed affidavits, as prayed therein, and depositing the requisite court fees, within 72 hours of the resumption of normal court work.

3. The application stands disposed of in the above terms.

**IA 2594/2020 (under Section 26(2) r/w Order VI Rule 15A of CPC), IA 2595/2020 (under Order VII Rule 11 CPC), IA 2596/2020 (under Order VII Rule 10 CPC), IA 4274/2020 (under Order VI Rule 17 CPC) and IA 5209/2020 (under Order VI Rule 17 CPC)**

1. Initially, arguments were advanced by Mr. Sudhir Chandra, learned Senior Counsel for the plaintiffs, on IAs 4274/2020 and 5209/2020.

2. Mr. J. Sai Deepak, learned counsel for the defendant, rebutted the said submissions, but also contended that it would be appropriate that this Court also considers IAs 2594/2020, 2595/2020 and 2596/2020, as these applications relate to the jurisdiction of this Court to deal with the present proceedings which, according to Mr. J. Sai Deepak, would have to be taken up as a preliminary issue before considering the amendment applications.

3. Though learned counsel have joined issue on the point of whether the amendment applications could be taken up without addressing the question of jurisdiction, I have heard, extensively, both

sides on all the above applications.

4. Orders are reserved on all these applications to be pronounced on 15<sup>th</sup> July, 2020.

5. Both sides are at liberty to file a short note of their written submissions, not exceeding four pages, on or before 12<sup>th</sup> July, 2020 by way of email to the Court Master, as well as to the opposite party.

6. Both parties are directed to exchange, between themselves, any decision that they wish to rely upon.

**C. HARI SHANKAR, J.**

**JULY 10, 2020**

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