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

+ CS(COMM) 611/2019

FMC CORPORATION & ANR. Plaintiffs

Through: Mr. Sudhir Chandra, Sr. Advocate
with Mr. Pravin Anand, Mr. Dhruv
Anand, Ms. Udita Patro,
Advocates

versus

NATCO PHARMA LIMITED Defendant

Through: Mr. J. Sai Deepak, Advocate with
Mr. G. Nataraj, Mr. Avinash K.
Sharma, Mr. Rishesh Sikarwar,
Advocates

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **24.02.2020**

**I.A. 15352/2019(Application under Order XXXIX Rule 1 and 2 of the
CPC, 1908)**

1. The reply to this application has been filed on 20.02.2020. At the request of Mr. Pravin Anand, learned counsel for the plaintiff, the rejoinder to this application be filed within four weeks.

2. Mr. J. Sai Deepak, learned counsel for the defendant, on instructions, states that the regulatory approval for manufacturing and marketing of the impugned product by the defendant has yet not been granted. He states that the defendant does not expect to receive the approval for at least another four to six weeks. Recording the aforesaid statement, it is unnecessary to pass an *ad-interim* order at this stage. However, the defendant is directed to inform learned counsel for the plaintiff, in writing, immediately on receipt of the market approval, also

stating therein the likely date of commercial launch of the impugned product, to enable the plaintiff to approach this Court for advancement of the date of hearing.

3. List on 11.05.2020.

I.A. 15353/2019 (Application under Order XI Rule 6 of the CPC, 1908),

1. Issue notice. Learned counsel for the defendant accepts notice. Reply to this application be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

2. List on 11.05.2020.

I.A. 2490/2020 (for Delay)

1. Issue notice. Mr. Pravin Anand, learned counsel for the plaintiff accepts notice. With consent of learned counsel for the parties, the application is taken up for disposal.

2. This is an application under Order VIII Rule 1 of the Code of Civil Procedure, 1908, filed by the defendant for condonation of 65 days' delay in filing of the written statement. Mr. Anand has no objection to the application being allowed.

3. In view of the fact that the written statement has been filed within 120 days from the date service of summons, and keeping in mind the averments contained in the application regarding the volume of documents and the steps required to be taken by the defendant to collect information and prepare its pleadings, the delay is condoned and the written statement is taken on record.

4. The application stands disposed of.

I.A. 1765/2020(Application under Order VIII Rule 10 of the CPC, 1908),

In view of the order passed in I.A.2490/2020, Mr. Anand does not press this application.

The application is dismissed as withdrawn.

I.A. 1766/2020(Application under Section 151 of the CPC, 1908)

It is submitted that the defendant has filed a reply to this application on 17.02.2020. However, it does not appear to be on record. Learned counsel for the defendant will ensure that the replies are placed on record within four weeks. Rejoinder thereto, be filed within two weeks thereafter.

List on 11.05.2020.

**I.A.2594/2020, (Application under Section 26(2) of the CPC, 1908)
2595/2020 (Application under Order VII Rule 11 of the CPC, 1908) &
2596/2020 (Application under Order VII Rule 10 of the CPC, 1908)**

Issue notice. Mr. Anand accepts notice.

Replies to these applications be filed within four weeks. Rejoinders thereto, if any, be filed within two weeks thereafter.

List on 11.05.2020.

CS(COMM) 611/2019

1. By the order passed above in I.A.2490/2020, the written statement has been taken on record. Replication thereto, alongwith an affidavit of admission/denial of the documents filed by the defendant be filed within four weeks.
2. List before the Joint Registrar for completion of pleadings, admission/denial of documents and marking of exhibits on 30.03.2020.
3. List before the Court alongwith pending applications on 11.05.2020.

PRATEEK JALAN, J

FEBRUARY 24, 2020

j' /s