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

+ **CS (COMM) 611/2019 & I.As. 4274-75/2020**

EMC CORPORATION & ANR. ... Plaintiffs

Through: Mr. Sudhir Chandra, Sr. Adv.
with Mr. Pravin Anand, Mr.
Dhruv Anand, Ms. Udit M.
Patro, and Ms. Kavya
Mammen, Advs.

versus

versus

NATCO PHARMA LIMITED ... Defendant

Through: Mr. J. Sai Deepak, Mr. Guru
Nataraj and Mr. Avinash K.
Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

% **08.06.2020**

This matter has been taken up for hearing by video-conferencing.

I.A. 4275/2020 in CS (COMM) 611/2019

1. This application seeks exemption from the requirement of filing a duly attested affidavit, accompanying IA 4274/2020, as well as payment of requisite court fees, in view of the prevailing lockdown, consequent to the COVID-2019 pandemic.



2. Keeping in mind the notification, dated 4th April, 2020, of this Court, this application is allowed, subject to the applicant filing a duly attested affidavit, and depositing the requisite court fees, within 72 hours of the resumption of normal court work.

3. The application stands disposed of.

CS (COMM) 611/2019, I.A.s 15352/2019, 2594/2020, 2595/2020 and 2596/2020 & I.A.4274/2020 (under Order VI Rule 17 CPC)

1. Mr. Sudhir Chandra, learned Senior counsel appearing for the plaintiff, has commenced arguments on IA 15352/2019, preferred by the plaintiff, under Order XXXIX Rules 1 and 2 CPC, when it was deemed appropriate to hear, in the first instance, Mr. J. Sai Deepak, learned counsel, on the applications preferred by him under Order VII Rule 10 and Order VII Rule 11 CPC.

2. Mr. J. Sai Deepak, learned counsel for the defendant, has addressed arguments, at length, on the applications under Order VII Rule 10 and Order VII Rule 11 CPC.

3. When the arguments of Mr. Sudhir Chandra, learned Senior counsel, on the said applications, as well as on the applications of the plaintiff under Order XXXIX Rules 1 and 2 CPC, were to commence, Mr. Sai Deepak points out that there are fundamental defects, in the verification clause and the statement of truth, filed along with the plaint, to which he has drawn attention in IA 2594/2020.

4. It appears that, in order to rectify these defects, the plaintiff has



moved IA 4274/2020, under Order VI Rule 17 of CPC.

5. It would, therefore, be necessary to decide said IA 4274/2020, before proceeding with the hearing of other applications under Order XXXIX of the CPC.

6. Mr. J. Sai Deepak seeks and is granted 10 days time to file a response to IA 4274/2020, and Mr. Pravin Anand, learned counsel for the plaintiff, seeks two days time to file rejoinder, if any, thereto.

7. Time as sought by learned counsel for the parties is allowed.

8. Let an affidavit, by way of response to IA 4274/2020, be filed by the defendant within 10 days with an advance copy to the learned counsel for the plaintiff, who may file a rejoinder thereto, if any, within two days thereof.

9. Renotify all these applications for hearing on 22nd June, 2020.

10. Copy of this order be uploaded on the website positively within 24 hours and copy whereof shall also be forwarded to the counsel for the parties via email.

C. HARI SHANKAR, J.

JUNE 08, 2020

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