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

+ **CS(COMM) 846/2022 & I.A. 47676/2024**

AKUMS DRUGS PHARMACEUTICALS LIMITEDPlaintiff

Through: Mr. Avinash K. Sharma, Mr. R.
Abhishek, Advocates
(M:7289036972)

versus

FERRING B.V.Defendant

Through: Ms. Aishwarya Chaturvedi, Advocate

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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09.12.2024

I.A. 47676/2024 (Application under Order XIII-A of the Commercial Courts Act 2015 seeking Summary Judgment)

1. The present application has been filed under Order XIII-A of the Commercial Courts Act 2015, seeking summary judgment against the defendant that the product developed by the plaintiff does not infringe the claims of IN 387567.
2. Learned counsel for the plaintiff submits that the plaintiff is seeking a summary judgment as the defendant has no real prospect of successfully defending the claim. He submits that there is no compelling reason as to why the claim should not be disposed of before recording of oral evidence. He submits that perusal of the complete specification and the product developed by the plaintiff, would show that the plaintiff's product is outside the scope of the claims of IN 387567.
3. Issue notice to the defendant by all modes.



4. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
5. List before the Joint Registrar (Judicial) on the date already fixed, i.e., 07th January, 2025.
6. At a later stage, learned counsel for the defendant has put in appearance and accepts notice for the application.

MINI PUSHKARNA, J

DECEMBER 9, 2024

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