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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 847/2022**

MR. M.K. SRINIVASAN & ANR.

.....Plaintiffs

Through: Ms. Swathi Sukumar, Sr. Advocate with
Ms. Ayesha Guhathakurta, Ms. Urvika
Aggarwal and Mr. Rithik Raguvanshi,
Advocates.

versus

MR. MAGESH JAYARAMAN & ORS.

....Defendants

Through: Mr. Rajeshwari and Mr. Jahir A J ,
Advocates for D-1 and 2.
Mr. Pranav Malhotra and Mr. Udwipt
Verma, Advocates for D-3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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28.04.2026

I.A. 11393/2026 (Under Order XVIII Rule 4 (1B))

1. This is an application filed on behalf of the plaintiff under Order XVIII Rule 4 (1B) read with Section 151 of Code of Civil Procedure, 1908 seeking liberty for filing additional affidavit of PW-1 on the issue of damages/rendition of accounts on the basis of the sales figures to be disclosed by the defendants in pursuance of the order dated 18.04.2026 passed in I.A. 6977/2025 filed by the plaintiff for discovery of sales figures.

2. Ms. Swathi Sukumar, learned senior counsel appearing on behalf of the plaintiff states that the examination and cross-examination of PW-1 is complete also in respect of damages claimed by the plaintiff. However, in terms of order dated 18.04.2026 passed by the learned Joint Registrar, whereby, the defendants were directed to submit their response regarding the exact quantity



of units of alleged infringing products manufactured/sold by the defendants after the date of publication of suit patent i.e. 07.03.2014 along with the prices those products were sold, the plaintiff may have to file a supplementary affidavit of PW-1 for the purposes of quantification of damages.

3. She states that the original examination in chief of the PW-1, Ms. Devaki was predicated on the damages which were quantified by the figures arising during the commission executed by the Local Commissioner as also drawn by the plaintiff. She states that while those figures may be correct to that extent, however, after the order of 18.04.2026, as and when the fresh figures are disclosed by the defendants, those figures would necessarily have to be part of the plaintiff's evidence in order to support the case of damages in the context of quantification.

4. She also states that the said figures which have not yet been furnished by the defendants could not have been the part of the original examination in chief of PW-1 in any case.

5. Issue notice.

6. Notice accepted by Mr. Rajeshwari, learned counsel appearing on behalf of the defendant nos.1 and 2, who opposes the present application, and seeks and is granted two weeks time to file reply. Rejoinder thereto, be filed within two weeks thereafter.

7. Learned counsel for the defendant also states that the direction contained in para 26 of the order dated 18.04.2026 shall be complied with within a period of two weeks from date.

8. It is stated that the examination in chief of the evidence of PW-2 has already been filed, however, it is yet to be tendered.

9. For the purposes of tendering and cross examination of the evidence of PW-2, the parties shall appear before the learned Local Commissioner on 05.05.2026 who may fix the dates of cross examination of PW-2.



10. The aforesaid cross examination of PW-2 and other witnesses, if any, of the plaintiffs shall not be an impediment to the decision to be rendered in the present application.

11. List on 11.08.2026.

TUSHAR RAO GEDELA, J

APRIL 28, 2026/ar