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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 691/2024**
ASTRAZENECA AB & ANR.

.....Plaintiff

Through: Mr. Gursimran Singh Narula
(VC), Advocate

Versus

BEACON PHARMACEUTICALS PLC & ORS.

.....Defendant

Through: Mr. Tahir Ashraf Siddiqui,
Mr. Mayur Punjabi, Advocates
for D-3

Ms. Aakriti Gupta, Advocate for
D-4.

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER

% **22.12.2025**

I.A. 32174/2025 for D-3 condoning the delay of 359 days in filing the rejoinder to the reply of the plaintiff in IA 46102/2024(settling aside ex-parte order).

1. Ld. Counsel for the plaintiff accepts notice. Submissions have been heard.
2. Ld. Counsel for defendant no. 3 seeks condonation of delay in filing the rejoinder on the ground that since parties were trying to settle the matter, he earnestly was of the opinion that the main application IA No. 46102/2024 which had been filed for setting aside *ex-parte* order, would not even be required to be argued since he was hopeful of arriving at a settlement with the plaintiff.



3. Ld. Counsel for the plaintiff on the other hand submits that such an inordinate delay in filing rejoinder though not being opposed but must to be allowed only subject to a significant cost.

4. In response, ld. Counsel for defendant no. 3 submits that if at all, it is defendant no. 3 / applicant who has been prejudiced by the delay caused in filing the rejoinder. It has been further submitted that account of defendant no. 3 has already been frozen which is the reason why an application has been moved for setting aside the *ex-parte* order. Consequently, request has been made for taking a lenient view.

5. *I have carefully considered the rival submissions.*

6. Defendant was directed by the Hon'ble Court to enter into settlement talks with the plaintiff in the end of November'2024. Admittedly, till 22.04.2025 parties were still trying to settle the matter. It was only on 11.08.2025, during the Special Mediation Drive, that it was recorded by the ld. JR that there are no chances of a settlement. Thereafter, the rejoinder has been filed on 03.12.2025, as per the details culled out from the e-filing log. Even assuming that applicant was under a bonafide belief that a settlement would obviate the need to argue the main application, in view of the order dated 11.08.2025, defendant / applicant should have taken immediate steps to file its rejoinder given that there had been already a significant delay in filing the rejoinder. There is, however, no explanation whatsoever for filing the reply on 03.12.2025 when it could have been filed at best by end of August'2025.

7. Further, despite contending in the present application that plaintiff had obtained an *ex-parte* order by concealing the facts, defendant did not even bother to file its written statement and right to file the same was also closed.



8. For the same reason as highlighted above i.e. allegation of concealment of facts, defendant should have expedited its filing of a rejoinder. However, its patent lack of interest in completion of pleadings in the IA for seeking setting aside of the *ex-parte* order is much too evident. Since the application is not being opposed, the same is allowed, however, subject to cost of Rs. 15000/-, to be deposited with Bharat Ke Veer Fund, (online portal), within three weeks failing which the rejoinder shall be taken off the record without any further orders. **IA stands disposed off.** Rejoinder be **re-filed** within 10 days whereafter the Registry is directed to place the same on record.

Dr. AJAY GULATI
(DHJS),
JOINT REGISTRAR (JUDICIAL)

DECEMBER 22, 2025/sk