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

+ CS(COMM) 1212/2024 & I.A. Nos. 49892/2024, 49893/2024,  
49894/2024, 49895/2024, 49896/2024, 49897/2024 & 49898/2024  
DS INTELLECTUAL PROPERTIES LLP .....Plaintiff

Through: Ms. Vaishali Mittal with Mr. Siddhant  
Chamola, Mr. Shivang Sharma and  
Ms. Saijal Arora, Advocates.  
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versus

PENTAGON FOODS PRIVATE LIMITED & ANR. ....Defendants  
Through: None.

**CORAM:**  
**HON'BLE MS. JUSTICE MINI PUSHKARNA**

% **ORDER**  
**24.12.2024**

**I.A. 49895/2024 (Exemption from filing clearer copies of documents)**

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking exemption from filing clearer copies or documents with exact margins and/or which are on A4 size paper, typed-copies of handwritten documents, English translations and from filing originals of the relevant documents.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file legible, clear, and translated copies of the documents, on which the plaintiff may seek to place reliance, before the next date of hearing.



4. Accordingly, the present application is disposed of.

**I.A. 49897/2024 (Exemption from instituting Pre-Institution Mediation)**

5. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Issue notice to the defendants.

**I.A. No. 49894/2024 (Application seeking leave to file additional documents)**

7. This is an application under Order XI Rule 1(4) read with Section 151 CPC, as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

8. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

9. The application is disposed of, with the aforesaid directions.

**I.A. No. 49896/2024 (Application seeking extension of time in filing Court fees)**

10. The present application has been filed under Section 149 read with Section 151 CPC seeking extension of time in filing Court fees.

11. Learned counsel appearing for the plaintiff, on instructions submits that the requisite Court fees shall be filed within a period of two weeks.

12. Liberty is granted.

13. With the aforesaid directions, the application is disposed of.

**I.A. No. 49898/2024 (Application seeking exemption from filing the required certificate under Section 63(4)(C) of the Bhartiya Sakshya Adhiniyam, 2023)**



14. The present application has been filed under Section 151 CPC seeking exemption from filing the required certificate under Section 63(4)(C) of the Bhartiya Sakshya Adhiniyam, 2023.

15. In view of the averments made in the application, the same is allowed, and extension as sought, is granted.

16. Let the needful be done, accordingly.

17. With the aforesaid directions, the present application is disposed of.

**I.A. No. 49893/2024 (Application seeking administration of interrogatories upon the defendants)**

18. The present application has been filed under Order XI Rules 1, 2, 5, 16 read with Section 151 CPC seeking administration of interrogatories upon the defendants.

19. Issue notice to the defendants, returnable on the next date of hearing.

**CS(COMM) 1212/2024 & I.A. 49892/2024 (Application under Order XXXIX Rules 1 and 2 CPC)**

20. Let the plaint be registered as suit.

21. Upon filing of the process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

22. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the



replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

23. Issue notice in *I.A. 49892/2024*.

24. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

25. Along with the reply, the defendants shall also file their statement of accounts with respect to the sale of the product in question, since the commencement of the use of the said mark, subject matter of the present suit, till date.

26. List before the Joint Registrar (Judicial) for marking of exhibits, on 21<sup>st</sup> February, 2025.

27. List before the Court on 10<sup>th</sup> February, 2025.

**MINI PUSHKARNA, J**

**DECEMBER 24, 2024**

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