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

+ **CS(COMM) 1110/2018**

TABOOLA INDIA PRIVATE LIMITED Plaintiff

Through: Appearance not given.

versus

ETERNO INFOTECH PVT. LIMITED Defendant

Through: Ms. Suveni Bhagat, Advocate (M:
9650446095).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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03.07.2019

Parties have been heard. From the pleadings of the parties and the documents on records, the following issues are framed:-

- 1. Whether the plaint has been signed, verified and filed by a proper and authorised person? OPP*
- 2. Whether the Defendant was in breach of the exclusivity clause in the Agreement dated 10th March, 2016? OPP*
- 3. Whether the Plaintiff was in material breach of the Agreement dated 10th March, 2016 and consequently, the Defendant had validly terminated the Agreement on 23rd November, 2017? OPD*
- 4. Whether the Defendant had validly terminated the Agreement dated 10th March, 2016 in the initial term vide its e-mail dated 07th July, 2017? OPD*
- 5. Whether the agreement dated 10th March, 2016, still subsists and if so, whether the Plaintiff is entitled to a permanent/mandatory*



injunction? OPP

6. *Whether the Plaintiff is entitled to damages/rendition of accounts of profits earned by the Defendant? OPP*
7. *Whether the Plaintiff is entitled to interest, if any? OPP*
8. *Relief.*

List of witnesses be filed by the parties within four weeks. Plaintiff to file evidence by way of affidavit within eight weeks.

List on 19th September, 2019 to consider as to whether a Local Commissioner should be appointed to record evidence in the matter. Parties to seek instructions on the same.

PRATHIBA M. SINGH, J.

JULY 03, 2019
MR