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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1222/2018 & I.A. 4360/2024**

COMMUNICATION COMPONENTS ANTENNA INC..... Plaintiff

Through: **Mr. Siddhant Goel and Mr.
Deepankar Mishra, Advs.**

versus

ACE TECHNOLOGIES CORP. AND ORS. Defendants

Through: **Mr. Anshul Gupta & Mr. Shubham
Kaushik, Advs.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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26.02.2024

I.A. 4360/2024

1. This application has been moved under Order XIV Rule 5 of the Code of Civil Procedure, 1908 seeking to frame an additional issue in the context that the plaintiff is a Canadian company having no immovable assets in India and in case the suit is ultimately dismissed and costs awarded to the defendants, defendants would have no means to recover the said costs.
2. Therefore, in order to preserve their interests, defendants seek framing of an additional issue "*Whether the plaintiff is liable to deposit security for payment of costs to the defendants?*". Counsel for the plaintiff has no objection to the same except that he points out in para 5 of order dated 30th November, 2023 where the issues have been framed, issue No.5 is stated as "*Relief*".
3. Accordingly, let the same issue be included as part of the issues under



para 5 of the order dated 30th November, 2023 as issue No.6.

4. The issues of the suit will, therefore, be as follows:

- “1. Whether the suit is maintainable? OPD*
- 2. Whether the suit patent IN 240893 is liable to be revoked on the ground of invalidity or for any other reason? OPD*
- 3. Whether the Defendants are infringing the suit patent IN 240893? OPP*
- 4. Whether the Plaintiff is entitled to permanent injunction and damages/rendition of accounts? If so, the quantum thereof? OPP*
- 5. Relief.*
- 6. Whether the plaintiff is liable to deposit security for payment of costs to the defendants?” OPD*

5. Application is disposed of.

6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 26, 2024/MK/ig