



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CS(COMM) 624/2017 & CCP(O) 36/2017, I.A. 10909/2017, I.A.

9375/2018, I.A. 16814/2019

PFIZER INC. & ORS

..... Plaintiff

Represented by: Mr.Pravin Anand, Adv. with
Ms.Tusha Malhotra, Ms.Rashi Punia,
Advs.

versus

LUCIUS PHARMACEUTICALS & ORS.

..... Defendant

Represented by: Mr.Parveen Kumar Aggarwal, Adv.
with Mr.Abhishek Grover, Adv. for
D4
Mr.Deepak Kumar Mahapatra, Adv.
for D5

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

04.12.2019

CCP(O) 36/2017

1. Learned counsel for the plaintiffs states that since the prayer in this contempt petition was against defendant No. 3 against whom a decree has already been passed, the present contempt petition has become infructuous and thus, be permitted to be withdrawn.
2. Contempt petition is dismissed as withdrawn.

I.A. 10909/2017 (under Order XI Rule 1(6) of the Commercial Courts Act, 2015)

1. Learned counsel for the plaintiffs states that this application is for
CS(COMM) 624/2017

page 1 of 3



discovery of documents qua defendant Nos. 4 and 5 with whom talks of settlement are going on and the disputes are likely to be settled, hence, this application be adjourned to the next date.

2. List on 20th February, 2020.

IA 9375/2018 (under Order I Rule 10 CPC filed by plaintiffs)

1. Notice in this application to the proposed defendant 'M/s. Nagpal Healthcare Chemists' was issued on July 20, 2018 and learned counsel for the proposed defendant entered appearance and sought complete set of paper book. However, thereafter, none appeared on behalf of the proposed defendant.

2. Considering the averments in the application, M/s. Nagpal Healthcare Chemists is impleaded as defendant No. 7 in the suit.

3. Application is disposed of.

I.A. 16814/2019 (for condonation of delay)

1. By this application, plaintiffs seeks condonation of delay of 62 days in filing the evidence by way of affidavit of plaintiff's witness, against defendant Nos. 1 and 2, who have been proceeded ex parte.

2. Learned counsel for the plaintiffs submits that since a writ petition was pending in respect of defendant Nos. 1 and 2, in which, an order in favour of the plaintiffs has been passed, there was a delay in filing the evidence by way of affidavit, which has now been filed by the plaintiffs.

3. The delay in filing evidence by way of affidavit of the plaintiffs' witness is condoned. The affidavit is taken on record.

4. Application is disposed of.

CS(COMM) 624/2017

page 2 of 3



CS(COMM) 624/2017

1. Learned counsel for the plaintiffs states that he would file an application seeking necessary amendments in the plaint viz-a-viz allegations against the newly added defendant No. 7 in the suit.
2. List the suit before learned Joint Registrar for tendering the evidence by way of affidavit of the plaintiffs' witness on 14th January, 2020.
3. Learned counsels for the plaintiffs and defendant Nos. 4 and 5 state that the parties are likely to settle the matter and will file necessary application in this regard before the next date.
4. List the suit before Court on 20th February, 2020.

MUKTA GUPTA, J.

DECEMBER 04, 2019/akb

CS(COMM) 624/2017

page 3 of 3