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

+ **CS(COMM) 624/2017**

PFIZER INC. & ORS

..... Plaintiffs

Through: Ms. Tusha Malhotra and Ms. Yamini
Jaswal, Advocates.

versus

LUCIUS PHARMACEUTICALS & ORS.

..... Defendants

Through: Mr. Abhishek Grover, Advocate for
D-4.
Mr. Ajay Chowdhary, Advocate for
D-7.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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01.12.2022

I.A. 20197/2020 (of the defendant no.7 for condonation of delay 111 days in filing WS)

1. For the reasons stated in the application, the application is allowed and the delay of 111 days in filing the written statement is condoned.

I.A. 377/2020 (u/s 151 CPC)

2. The present application has been filed on behalf of the plaintiffs for summoning the court files of CS(COMM) 4/2016 and CS(COMM) 1634/2016 for facilitating marking of exhibits in the present case.

3. Counsel for the plaintiffs submits that various original/certified copies of the documents relied by the plaintiffs in the present suit has been filed in the aforesaid suits and therefore, the files of the aforesaid suits may be summoned so that the copies of the said documents filed in the present suit



may be exhibited.

4. In view of the above, the application is allowed.

5. List before the Joint Registrar on 9th January, 2023 on which date the original files of CS (COMM) 4/2016 and CS (COMM) 1634/2016 will be produced for the purposes of marking of exhibits.

I.A. 10909/2017 (O-XI R-1(6) of Commercial Court Act)

6. Issue notice.

7. Notice is accepted on behalf of the counsel for the defendant no.7, who may file reply within three weeks from today.

8. List before the Joint Registrar on 9th January, 2023, for competition of pleadings.

9. List on 6th February, 2023.

I.A. 2450/2020 (O-VII R-11 of CPC) & CS(COMM) 624/2017

10. Defendants no.1 and 2 have already been proceeded against *ex parte*.

11. The suit has already been decreed against the defendant no.3 in terms of the settlement between the plaintiffs and the defendant no.3. Vide order dated 27th November, 2018, the suit has been decreed against the defendant no.6 in terms of prayer clause 95 (a) and (b), along with damages awarded in favour of the plaintiffs.

12. Written statement of the defendant no.7 is taken on record. Replication thereto, has already been filed on behalf of the plaintiffs. Let the same be taken on record.

13. Counsel for the defendant no.4 submits that he wants to settle the matter with the plaintiffs.

14. Counsels for the parties submit that the matter may be referred for mediation to the Delhi High Court Mediation and Conciliation Centre.



15. Parties shall appear before the Delhi High Court Mediation and Conciliation Centre on 6th December, 2022 at 4.00 PM.
16. List before the Joint Registrar on 9th January, 2023.
17. List before the Court on 6th February, 2023.

AMIT BANSAL, J.

DECEMBER 1, 2022
at