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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS (COMM) 278/2016

MERCK KGAA & ORS

..... Plaintiffs

Through: Ms. Kripa Pandit, Advocate.

versus

DINESH SHARMA & ORS

..... Defendants

Through: Mr. Manav Kumar, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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23.08.2016

1. Learned counsel for the Defendants states that right of the Defendants to file their written statement has been closed, the Defendants have no objection to the decree be passed in terms of the prayers A (i) (ii) (iii) and B (i) and (ii) of the plaint. Accordingly the suit is decreed in favour of the Plaintiffs and against the Defendants in terms of prayers A (i) (ii) (iii) and B (i) and (ii) of the plaint.

2. As far as the prayer C for inspection of the Defendants' accounts to assist in ascertaining the amount of profits made by them and/or damages suffered by the Plaintiffs is concerned, it is seen that the Plaintiffs themselves have not quantified the damages. The plea in the para 29 (e) of the plaint is that the Plaintiff has no means of ascertaining the damages at present.

3. Accordingly, a decree is passed permitting the Plaintiffs to inspect the

accounts of the Defendants in respect of the transactions concerning the brands in question and all other relevant documents. The right of the Plaintiffs to seek damages in accordance with law thereafter is reserved.

4. The suit is disposed of in the above terms. Decree sheet be drawn up accordingly.

S.MURALIDHAR, J

AUGUST 23, 2016

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