

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT NO.23 OF 2009
WITH
COMMERCIAL CHAMBER SUMMONS NO.460 OF 2019
IN
COMMERCIAL IP SUIT NO.23 OF 2009**

Unichem Laboratories Limited Plaintiff

Vs.

Hetero Healthcare Limited & Anr. Defendants

Mr. Hemant Thadhani a/w. Mr. Jay Shah i/b. Krishna and Saurastri Associates LLP for plaintiff.

Ms. Soumya Prakash i/b. M/s. Dhruve Liladhar and Company for defendant nos.1 and 2.

CORAM : K.R.SHRIRAM, J.

DATE : 27th JUNE 2019

P.C.:

1 Mr. Thadhani, counsel for plaintiff states that there is a chamber summons bearing no.460 of 2019 taken out by a third party to be added as plaintiff and for further amendment to the plaint. Mr. Thadhani states that the advocate for applicant is the same as the advocate for plaintiff and plaintiff has no objection. Ms. Soumya Prakash, counsel for defendants states that without prejudice to defendants rights and contentions she has no objection to the grant of relief prayed for in the chamber summons.

2 Therefore, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a), except the portion bracketed in red

ink in the prayer and in the Schedule annexed to the chamber summons. It is clarified that no consequential or incidental amendments are permitted.

3 Amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

4 Within two weeks from today, applicant to give a donation of Rs.25,000/- to Odisha Chief Minister's Relief Fund for the delay of almost one year in taking out this chamber summons and compliance affidavit to be filed within one week thereafter. The account details are as under :

ODISHA CHIEF MINISTER'S RELIEF FUND
Account Number : 50100124242015
IFSC Code : HDFC0000122
UPI - ODISHACHIEFMINISTERS.40420436@hdfcbank

5 Should defendants wish to file an additional written statement, the same to be filed and copy served within two weeks of receiving copy of the amended plaint.

6 By 3rd August 2019 parties shall file further affidavit of documents, complete inspection of documents and exchange statement of admission and denial with reasons for denial.

7 Suit be listed for further issues on 7th August 2019.

(K.R. SHRIRAM, J.)