

A.Nos.1489 to 1491 of 2020
and
A.No.1548 of 2020
and
O.A.Nos.226 and 227 of 2020
in
C.S.No.153 of 2020

C.V.KARTHIKEYAN,J.

These applications have been filed by the third party to the suit namely Indo French Health Care Pvt.Ltd. having office at No.8/62, Mangadu Main Road, Paraniyuthur, Chennai seeking to implead themselves as Defendant No.5 in the suit and also in the connected applications namely O.A.No.226 of 2020 and O.A.No.227 of 2020.

2. In the affidavit filed in support of the said applications, it had been stated that the applicant herein is the proprietor of the Trademark REJUCALCIUM and contested the case of the plaintiff that the plaintiff has exclusive right to manufacture or export the REJUCALCIUM tablets to Srilanka.

3. It was stated that the plaintiff was merely permitted to non exclusively manufacture and export REJUCALCIUM tablets to Srilanka as a drug under the subsisting drug licence. It was also stated that the registration of the REJUCALCIUM No.518/36 dated 20.10.1989 belongs to the applicant hereunder.

4. Heard the learned counsel for the respondent/plaintiff also.

5. It is stated by the learned counsel for the respondent/plaintiff that the issues raised in the plaint would be substantiated by the plaintiff.

6. The learned counsel for the plaintiff further stated that the reasons given by the applicant namely with respect to exclusive right to export the drugs/non exclusive right drug are issues to be decided and that the said averments are not admitted by the plaintiff.

7. In view of the stands taken, to decide the issues, all the necessary parties will have to be present before the Court and from that angle the present applicant is a necessary party to the suit. Consequently, these applications are allowed.

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8. The Registry is directed to implead the applicant namely Indo French Health Care Private Limited as the 5th defendant in the suit and as the 5th respondent in O.A.Nos.226 and 227 of 2020.

9. The Registry is requested to carry out the necessary amendment in the cause title, in view of the fact that it would be practical by impossible for the counsels to enter the Court premises owing to the pandemic situation. However, the plaintiff may file amended copies of the plaint and applications.

10. It is to be noted that the service of the amended plaint to the newly impleaded 5th defendant would be the starting date for filing of written statement.

11. List the matter once again on 20.08.2020.

29.07.2020

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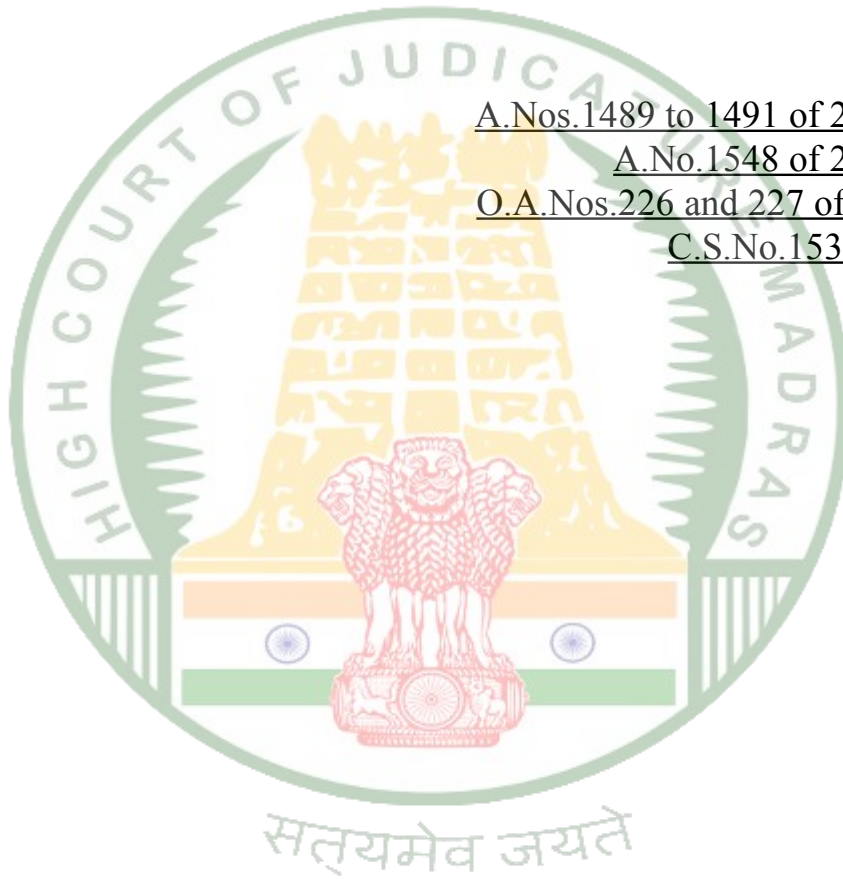
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