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

+ **CS(COMM)No.302/2020 & I.A.No.6539/2020**

FUJIFILM TOYAMA CHEMICAL CO LTD.Plaintiff

Through : Mr. Ranjan Narula and Mr. Shashi P.
Ojha, Advs.

versus

PV PHARMA HEALTHCARE PVT LTD.Defendant

Through : Mr. Harshit S. Tolia and Mr. Sitesh
Narayan Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **10.08.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. Pursuant to the last hearing held on 05.08.2020, the defendant, I am told, has filed an affidavit dated 06.08.2020 *via* its Managing Director i.e. Mr. Pankaj Patel.

2. According to Mr. Harshit S. Tolia, instructed by Mr. Sitesh Narayan Singh, who appears on behalf of the defendant, the said affidavit was filed on 07.08.2020. I am informed that diary no. 603205/2020 was accorded to the said affidavit.

3. The record shows that the affidavit was returned as the index accompanying the *Vakalatnama* was defective.

4. Mr. Singh says that the said defect has been cured and the affidavit has been refiled.

4.1 The statement of Mr. Singh is taken on record.

5. However, it is not disputed by Mr. Ranjan Narula, who appears on behalf of the plaintiff, that a copy of the said affidavit has been furnished to him.

5.1 Mr. Narula says that given what is stated in the aforementioned affidavit, the plaintiff is agreeable to the instant suit being decreed in terms of the prayers made in paragraph 35 (i) to (iv) of the plaint.

5.2 Mr. Narula says that the plaintiff, in consideration of the undertakings given on behalf of the defendant, will not press for the reliefs sought for in paragraph 35(v) to (vii) of the plaint.

5.3 The statement of Mr. Narula is taken on record.

6. The suit is, accordingly, decreed in terms of prayers made in paragraph 35 (i) to (iv) of the plaint.

6.1 The undertakings given on behalf of the defendant by Mr. Pankaj Patel in his affidavit dated 06.08.2020 shall form part of the decree. The said affidavit will be marked as Exhibit- 'A'.

7. The defendant will place on record, within five days of lockdown being lifted *qua* this court, a hard copy of the aforementioned affidavit. In the meanwhile, the defendant will also place on record a digitally signed copy of the said affidavit.

8. A decree will be drawn-up by the Registry in the aforementioned terms. The instant suit is disposed of in the aforementioned terms. Pending application shall, consequently, stand closed.

RAJIV SHAKDHER, J

AUGUST 10, 2020

Aj/KK

Click here to check corrigendum, if any