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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 07TH DAY OF SEPTEMBER 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.NO.1555 OF 2020

IN

C.S.NO.684 OF 2019

1. CENTAUR PHARMACEUTICALS PVT.LTD.,

Centaur House, Shantinagar, Vakola,
Santacruz (E), Mumbai 400 055
represented by its Directors through
Ms.Rakhi Kadam,
Authorised Signatory.

2. KIBOW BIOTECH INC.

4781, West Chester Pike,
New town Square,
PA 19073, United States of America
represented by its Directors through
Ms. Rakhi Kadam,
Authorised Signatory.

...Applicants/Plaintiffs
in A.No.1555 of 2020

Vs.

1. LA RENON HEALTH CARE PVT.LTD.,

207-208, ISCON Elegance, Circle P,
Prahlaad Nagar Cross Roads,
SG Highway,
Ahmedabad 380 015.

represented by its Directors.

**2. STANFORD LABORATORIES PVT.LTD.,**5th Floor, Caddie Commercial Tower,

Aerocity, New Delhi- 110 037.

represented by its Directors.

...Respondents/Defendants
in A.No.1555 of 2020**A.NO.1555 OF 2020:-**

Application Praying that this Hon'ble Court be pleased to direct the Respondents to disclose verifiable details such as batch numbers under which products bearing trademarks 'Cudo', 'Cudo Forte' and/or 'probigress' or otherwise manufactured during the period of last two years immediately preceding the date of filing of the present suit till date, including details such as dates of manufacturing of each batch, quantities manufactured in each batch, inventory of unsold/in stock in each batch, methodology for calculation of 'in stock', inventory of used packaging materials for 'Cudo', 'Cudo Forte' and/or 'Probigress', etc.

This application coming on this day before this court for hearing in the presence of Mr.Vineet Subramani, advocate for the applicants herein and Mr.Adarsh Ramanujam, for Mr.T.Saikrishnan, advocates for the respondents herein and upon reading the judge's summons and the affidavit of Rakhi Shridhar kadam filed herein and the learned counsel for the respondents having submitted that pursuant to the direction of the Division Bench, a sum of Rs.1 crore had already been deposited under



and the present application though filed prior to the orders of the Division Bench, the prayer to disclose verifiable details for the period two years prior to the date of filing the suit is not maintain both on facts and in the light of the Division Bench order and if the plaintiffs need any modification regarding rendition of accounts, it can be sought only before the Division Bench, which has already seized off the matter and not by the learned single judge and, **it is ordered as follows:-**

That the A.No.1555 of 2020 be and is hereby dismissed.

2. That there shall be no order as to costs.

3. That if the plaintiffs herein want to seek any remedy regarding the modification or rectification regarding the direction of the Division Bench for rendition of accounts, it is always open to them to approach the Division Bench.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 07TH DAY OF SEPTEMBER 2021.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments.



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VSP

14/09/2021

A.NO.1555 OF 2020
IN
C.S.NO.684 OF 2019

ORDER
DATED : 07.09.2021

THE HON'BLE DR. JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 14/09/2021

APPROVED ON: 15/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 07TH DAY OF SEPTEMBER 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A.NO.1555 OF 2020

IN

C.S.NO.684 OF 2019

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the court made the following order:-

This application is filed by the plaintiff for the following relief:

a) to show cause why this application ought not be treated as urgent?

b) to direct the respondents to disclose verifiable details such as batch numbers under which products bearing trademarks "Cudo', 'Cudo Forte' and/or 'Probigress' or otherwise manufactured during the period of

last two years immediately preceding the date of filing of the present suit



till date, including details such as dates of manufacturing of each batch, quantities manufactured in each batch, inventory of unsold/in stock in each batch, methodology for calculation of 'in stock', inventory of used packaging materials for 'Cudo', 'Cudo Forte' and/or 'Probigress', etc.

2. This application was filed on 15th July 2021. This was pursuant to the interim order of injunction granted by this Court and a direction to the respondents to submit their accounts. However, subsequent to this application and the orders mentioned above, there is development in this case viz., OSA filed against the order passed by this Court has been considered by the Division Bench of this Court and the Division Bench has stayed the operation of the judgment and the order impugned unconditionally for a period of one week with a direction to deposit Rs.1 crore by way of an auto-renewable fixed deposit and there is also a direction to the respondent to maintain accounts pertaining to the three impugned products and furnish the accounts on bimonthly basis by 15th day of the third month, that is to say, the accounts for the months of May and June, 2021 should be furnished by July 2015 and so on till the completion of this suit and further orders of this Court, whichever is earlier.

3. Learned counsel for the respondents submits that pursuant to the

direction of the Division Bench, a sum of Rs.1 crore had already been



deposited under auto-renewable fixed deposit and also bimonthly accounts are submitted. The present application though filed prior to the orders of the Division Bench, the prayer to disclose verifiable details for the period two years prior to the date of filing the suit is not maintainable both on facts and in the light of the Division Bench order and if the plaintiffs need any modification regarding rendition of accounts, it can be sought only before the Division Bench, which has already seized off the matter and not by the learned Single Judge.

4.This Court fully agree with the submission of the learned counsel for the respondents. Hence, this application is dismissed. No order as to costs. However, if the plaintiffs want to seek any remedy regarding the modification or rectification regarding the direction of the Division Bench for rendition of accounts, it is always open to them to approach the Division Bench.

Sd./-G.J.J
07.09.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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