



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

(TM) A. Nos.49 & 50 of 2023 in (T) OP (TM) Nos.101 & 102 of 2023

Vertex Pharmaceuticals

.. Applicant in both cases

VS

Sumit Nigam Trading as Vertex India
Health care and another

.. Respondents in both cases

COMMON ORDER

These applications have been filed seeking leave of this Court to file additional documents.

2.Learned counsel for the contesting respondent would submit that the additional documents for which leave is sought for may be permitted to be received, subject to its admission, proof and relevancy.

3.No prejudice would be caused to the contesting respondent if the additional documents are allowed to be received, subject to its admission, proof and relevancy and the respondents are permitted to raise all objections with regard to the admissibility and relevancy of the documents during the course of trial.



ABDUL QUDDHOSE,J.

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4.The applicant claims that they have been using the subject trade mark for a long number of years and only to prove the same, there became a necessity for them to file the additional documents. The same is however disputed by the respondents as seen from the submissions made by the learned counsel for the respondents.

5.For the foregoing reasons, these applications are allowed as prayed for and the additional documents are allowed to be received by this Court, subject to its admission, proof and relevancy by granting liberty to the respondents to raise all objections with regard to the admissibility and relevancy of those additional documents during the course of trial in the cross examination.

6.Learned counsel for the petitioner submits that the request for mediation is under consideration by the petitioner and once a feedback is received, he shall report as to whether the petitioner is willing to go for mediation or not.

Post the OPs on 28.01.2025.

02.01.2025

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