



WEB COPY



A.No.5554 of 2024
in C.S.No.282 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.5554 of 2024
in C.S.No.282 of 2018

Novartis AG
Lichtstrasse 35, 4056, Basel, Switzerland,
Rep.by its Power of Attorney holder,
Mr.Atul Bade and another .. Applicants

Vs.

Venkata Narayana Active Ingredients Pvt Ltd
Venkata Narayana Towers, III Floor, New No.60, Old No.35, Venkata
Narayana Road, T. Nagar, Chennai 17

(Amended as per order dated 23.11.2018 in Appln. No.8946/2018 and
time Extended as per order dated 22/04/2019) .. Respondent

For Applicants:

Mr.Hemanth Singh
Ms.Mamta Jha
for Mr.Arun C.Mohan

For Respondent:

Mr.T.K.Ramkumar
Ms.Sumitha Vibhu



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ORDER

By this application, the applicants/plaintiffs seek to reserve their right to lead rebuttal evidence on issues wherein the onus is placed on the defendant.

2.This application has been filed under Order XVIII Rule 3 of the Code of Civil Procedure, 1908 (C.P.C.), which provides an option to the plaintiffs in such regard.

3.Learned counsel for the plaintiffs refers to the counter of the defendant and submits that if the defendant chooses not to adduce evidence on issues wherein the onus is on the defendant and instead relies upon the existing evidence in the form of the Advocate Commissioner's report, it may not be necessary for the plaintiffs to lead rebuttal evidence.

4.Since Order XVIII Rule 3 of the C.P.C. confers on the party that first leads evidence, the option of leading rebuttal evidence, if the onus



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falls on the counter party with regard to certain issues, as in this case,
this application is liable to be allowed.

5. Therefore, this application is allowed by permitting the plaintiffs
to reserve their right to lead rebuttal evidence on all issues wherein the
onus has been placed on the defendant.

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SENTHILKUMAR RAMAMOORTHY,J.

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