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

+ **FAO(OS) (COMM) 183/2023 & CM APPL. 43784/2023, CM APPL. 43786/2023, CM APPL. 43788/2023**

BAYER HEALTHCARE LLC

.....Appellant

Through: Mr. Dayan Krishnan, Senior Advocate with Mr. Pravin Anand, Mr. Dhruv Anand, Ms. Udit Patro, Ms. Nimrat Singh and Ms. Aakashi, Advocates.

versus

MSN LABORATORIES PRIVATE LIMITEDRespondent

Through: Mr. Guruswamy Natraj, Mr. Rahul Bhujpal and Mr. Yash Raj, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

24.02.2025

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1. Present appeal has been preferred under section 13 of the Commercial Courts Act, 2015 read with Order XLIII Rule 1 of the Code of Civil Procedure, 1908 against the order dated 05.07.2023 passed by the learned Single Judge in I.A No. 15573/2022 in CS(COMM) 660/2022 captioned "*Bayer Healthcare LLC vs. MSN Laboratories Private Limited*".
2. Mr. Dayan Krishnan, learned senior counsel for the appellant and Mr. Guruswamy Natraj, learned counsel for the respondent have appeared before



us today and handed over the bench, draft terms to be incorporated for expedition of trial. It has been informed that the parties have deliberated upon said terms and are *ad idem* on the procedure contained in the note handed over.

3. Mr. Guruswamy Natraj, learned counsel appearing for the respondent states that he has no objection to the said terms so long as no observation is recorded in respect of the merits of the matter.

4. Accordingly in view of the aforesaid statement and the draft note, the appeal is disposed of with the direction that the underlying Suit, namely, CS(COMM) No. 660/2022 being listed for completion of admission-denial and marking of exhibits etc., before the Joint Registrar on 18.03.2025:-

“(a) The parties are directed to complete all requisite procedures in the underlying Suits before the Joint Registrar by 18.03.2025;

(b) The underlying suits would come up for settlement of issues and for Case Management within two weeks after 18.03.2025,

(c) Further, in the suits issues will be framed by the Learned Single Judge, who would also expedite the trial in the suits by appointing a Local Commissioner to record evidence.

(d) The parties will file their evidence affidavits in accordance with the respective schedules set by the Learned Single Judge

(e) All attempts will be made to limit the number of witnesses and the time available for cross-examination and for final arguments in the matter. As far as possible, timelines would be indicated by the learned Single Judge at the time of the Case Management hearing.

(f) None of the observations made by the Learned Single Judge on merits of the case shall influence the Learned Single Judge while deciding the matter finally.



(g) All parties will cooperate and ensure completion of the trial within a period of one year.”

5. In view of the above the appeal stands disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

FEBRUARY 24, 2025

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