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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 912/2024**

**TORRENT PHARMACEUTICALS LTD** .....Plaintiff

Through: Ms. Prashansa Singh, Mr. Sachin  
Gupta, Mr. Rohit Pradhan, Mr. Ajay,  
Ms. Mahima Chanchalani & Mr.  
Adarsh Agarwal, Advocates.

Versus

**INDORBIT PHARMACEUTICALS P. LTD. & ANR.....Defendants**

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE TEJAS KARIA**

**ORDER**

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**15.09.2025**

**IA No.22821/2025**

1. This is an Application on behalf of the Plaintiff under Order XI Rule 1(5) read with Section 151 of the Code of Civil Procedure, 1908 (“**CPC**”), as amended by Commercial Courts Act, 2015, seeking leave to take on record Additional Documents.

2. The Defendants have been proceeded against *ex-parte vide* order dated 04.03.2025. Accordingly, for the reasons stated in the Application, the Application is allowed and documents mentioned in Paragraph No. 8 of the Application are taken on record.

3. The Application stands disposed of.

**IA No.22820/2025**

4. This is an Application on behalf of the Plaintiff under Section 151 of the CPC for exempting the Authorized Representative (“**AR**”) of the Plaintiff from appearing physically before this Court for trial.

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5. The learned counsel for the Plaintiff submits that the Defendants have chosen not to appear before this Court despite service. The learned Counsel for the Plaintiff submits that since *vide* order dated 04.03.2025, the Defendants were proceeded against *ex-parte*, there shall be no cross-examination of the Plaintiff. Accordingly, the learned Counsel for the Plaintiff prays that the AR of the Plaintiff be exempted from appearing physically before this Court for recording of evidence.

6. In support of the aforesaid contentions, the learned Counsel for the Plaintiff relies on the decision of this Court in ***United Coffee House v. Raghav Kalra & Anr.***, 2013 SCC OnLine Del 2133 which holds as under:

*“7. .... in suits of the present nature no purpose is served by mechanically calling upon the plaintiff to lead ex parte evidence. The matter has thus been examined to see whether the plaintiff is entitled to a decree forthwith.”*

and also on the decision of this Court on ***Aktiebolaget Volvo & Ors vs Hari Satya Lubricants***, 2016 SCC OnLine Del 5787 holding as under:

*“9. It may be relevant to state here that when the matter was listed on January 20, 2016 and on April 29, 2016, it was represented by the defendant No. 1 that in view of the stand of the defendant No. 1 and the fact that the defendant No. 1 is not using the trademark/trade name VALVO, the said defendant is ready to have an injunction restraining it from using the trademark/trade name VALVO or any other trademark identical and/or deceptively similar to the plaintiffs’ well-known trademark VOLVO. This suggestion was acceptable to the learned counsel for the plaintiffs. In view of this, the learned counsel for the plaintiffs had not pressed the plea of damages qua the defendant No. 1. He has stated that the prayers as prayed for in the suit must be allowed qua the defendant No. 2. Despite service, the defendant No. 2 was not represented. It chose, not to participate in the Court proceedings and stay away. In view of the judgment of this Court in the case of *The Indian Performing Right Societies Ltd. v. Gauhati Town Club* 2013 (III) AD Delhi 333 and CS (OS) 1554/2012 titled as *United Coffee House v. Raghav Kalra*, the plaintiff need not file evidence by way of affidavit as the averments made in the plaint have been supported by affidavit. The*



*suit, hence can be disposed of.”*

7. Accordingly, the learned Counsel for the Plaintiff prays that the Suit be decreed by granting Permanent Injunction and costs to the Plaintiff in terms of prayer in Paragraph No. 35(a), (b) and (f) of the Plaint.

8. The learned Counsel for the Plaintiff further submits, on instructions, that Plaintiff does not press the other reliefs prayed for in the Suit and also submits that the Plaintiff has already filed the Memo of Costs. The said statement of the Plaintiff through Counsel is taken on record.

9. This Court, *vide* Order dated 14.05.2025, had directed the Plaintiff to file the List of Witnesses and Affidavit-in-Chief of its witnesses. The learned Counsel for the Plaintiff submits that Plaintiff has filed the Affidavit of Evidence of its sole witness and the documents that are taken on record *vide* the order passed in I.A. No.22821/2025.

10. In view of the above, the AR of the Plaintiff is exempted from appearing physically for leading the evidence. This Application stands disposed of.

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11. In view of the above, the Suit is decreed in terms of the prayers in Paragraph No. 35(a), (b) and (f) of the Plaint.

12. Let the Decree Sheet be drawn accordingly.

13. List on 28.11.2025, the date already fixed, before the learned Joint Registrar (Judicial), who shall assess the Bill of Costs filed by the Plaintiff as a Taxing Officer.

**TEJAS KARIA, J**

**SEPTEMBER 15, 2025/‘gsr’**