

ITEM NO.5

COURT NO.4

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 18892/2017
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 10-03-2017
IN FAOS NO. 1/2017 PASSED BY THE HIGH COURT OF DELHI AT NEW DELHI)

M/S. AZ TECH (INDIA) & ANR.

PETITIONER(S)

VERSUS

M/S. INTEX TECHNOLOGIES (INDIA) LTD. & ANR.

RESPONDENT(S)

(FOR ADMISSION AND I.R. AND IA NO.61496/2017-EXEMPTION FROM FILING
O.T. AND IA NO.70450/2017-INTERVENTION/IMPLEADMENT)

Date : 16-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Neeraj Kishan kaul, Sr. Adv.
Mr. S. Chandra, Adv.
Ms. Ishani Chandra, Adv.
Mr. Ankit Rastogi, Adv.
Mr. Mishra Saurabh, AOR

For Respondent(s)

Mr. Sudhir Chandra, Sr. Adv.
Mr. Pravin Anand, Adv.
Mr. Aditya Verma, AOR
Mr. Nischal Anand, Adv.

Mr. Guru Krishnakumar, Sr. Adv.
Mr. Ejaz Maqbool, AOR
Mr. Ashok K. Aggarwal, Adv.
Mr. C. George Thomas, Adv.
Ms. Akriti Chaubey, Adv.

Mr. Harish Salve, Sr. Adv.
Mr. A.D.N. Rao, AOR
Mr. Annam Venkatesh, Adv.
Mr. Rahul Misra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The order challenged in the present Special Leave Petition is an interim order passed in a suit. We request the High Court of Delhi to dispose of the suit as expeditiously as it is possible. But on merits we decline to interfere. We make it clear that all findings, observations, etc. recorded in the orders of the learned single judge and the Division Bench of the High Court of Delhi will not be taken into account at the time of consideration of the suit on merits.

2. The Special Leave Petition as also all pending applications therein including the application for impleadment is disposed of in the above terms.

3. In the present Special Leave Petition (No.18892 of 2017) on 31st July, 2017, this Court passed the following order:

" Having read the order of the High Court of Delhi dated 10th March, 2017 passed in FAO(OS) No.1/2017 we find that it is virtually a decision on merits of the suit. We wonder if the High Court has thought it proper to write such an exhaustive judgment only because of acceptance of the fact that the interim orders in Intellectual

Property Rights (IPR) matters in the Delhi High Court would govern the parties for a long duration of time and disposal of the main suit is a far cry. This is a disturbing trend which we need to address in the first instance before delving into the respective rights of the parties raised in the present case. We, therefore, direct the Registrar General of the Delhi High Court to report to the Court about the total number of pending IPR suits, divided into different categories, in the Delhi High Court; stage of each suit; and also the period for which injunction/interim orders held/holding the field in each of the such suits. The Registrar General of the Delhi High Court will also indicate to the Court what, according to the High Court, would be a reasonable way of ensuring the speedy disposal of the suits involving intellectual property rights which are presently pending.

We will expect the Registrar General of the Delhi High Court to report to the Court within two weeks from today, latest by 14th August, 2017. The matter will be listed again on 16th August, 2017 on which date the Court will not only consider the report to be filed by the Registrar General of the Delhi High Court but also the specific issues that have been raised by the parties in the present case."

4. Pursuant to the aforesaid order, an interim report has been submitted by the Registrar General of the Delhi High Court which we have duly perused and considered. Shri Harish Salve, learned Senior Counsel who has appeared for the Delhi High Court has also been

heard.

5. At the very outset, we make it clear that the present order should not be perceived to be any kind of interference in the administration of the Delhi High Court but has to be construed to be an effort on the part of the Judiciary as an institution to work out ways and means to dispose of long pending contested civil suits throughout the country for which purpose the Delhi High Court and, particularly, the IPR matters has been taken as the yardstick. The Hon'ble Judges of the Delhi High Court have to work out ways and means for effective disposal of the IPR matters before it so that a model for disposal of civil suits can be culled out from the ways and means adopted by the Delhi High Court which can form the basis of an uniform action plan for the rest of the country.

6. Having made the position clear, we now direct registration of a suo motu writ petition titled as "Re-Case Management of Original Suits".

7. We request the Registrar General of the Delhi High Court to submit periodical reports of the work

done in this regard. The first of such report should be filed within sixty (60) days from today. At a later stage of the present proceedings this Court may also take the assistance of other High Courts in the country to resolve the issue.

8. List the matter on 24th October, 2017.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER