

**BEFORE THE PLANT VARIETIES REGISTRY  
AT NEW DELHI**

A No.1 of 2021

IN THE MATTER OF: - Petition against Nuziveedu Seeds Ltd., under Section 24(5) of PPV&FR Act, 2001 filed by UPL Ltd., in respect of application filed by them for registration of Okra Variety RAADHIKA (REG/2018/164 H) along with AV 508-Female Parent (REG/2018/164 P1) and AV 509 Male Parent (REG/2018/164 P2).

IN THE MATTER OF: -

UPL Ltd.,

.....APPLICANT

-Versus-

Nuziveedu Seeds Ltd.,

...RESPONDENT

For the Applicant: - Sh. Adarsh Ramanujan and Sh. Lzafeer Ahmad B F, Advocates.

For the Respondent: - Sh. Abhishek Saket, Advocate for M/S. Infini Juridique

**ORDER**

By order dated 22<sup>nd</sup> September, 2021 of this Registry, the Applicant had to file hard copy of their rejoinder by 25<sup>th</sup> October, 2021. The Applicant has filed the hard copy of their rejoinder in the Registry on 27<sup>th</sup> October, 2021 and a copy of what has been filed in the Registry has not been served to the Respondent. But the Applicant has mailed the soft copy of the same to the Respondent on 25<sup>th</sup> October, 2021.

The Counsel for Applicant cited by virtue of the words in PV-1 and in vakalatnama, he is authorized to file rejoinder on behalf of the party. He also cited Uday Shankar Triyar -Vs- Ram Kalewar Prasad Singh and Anr. [2006-I SCC 75] of the Hon'ble Supreme Court of India that pleadings could not be rejected because of procedural defects in it and counsel is authorized to file



the same on behalf of the party. The Counsel for Respondent argued that he has not received the copy of what has been filed in the Registry. The Counsel for Applicant clarified that they had filed rejoinder supported by affidavit of the party and soft copy of the rejoinder has been sent to the other side but the copy of the affidavit (supporting the rejoinder) both soft and hard has not yet been served to the other side.

There is a two days delay in filing of rejoinder by the Applicant as by virtue of order dated 22<sup>nd</sup> September, 2021 in this matter the Applicant had to file Rejoinder by 25<sup>th</sup> October, 2021 but the same has been filed only on 27<sup>th</sup> October, 2021. I agree with the view that pleadings cannot be rejected due to procedural defects and an opportunity must be provided to correct the defects. Costs is necessary to mitigate the hardship caused by delay.

Accordingly, in the interest of justice the Applicant is directed to file the rejoinder with signature of the party and without any modifications in it on or before 23<sup>rd</sup> November, 2021 after serving a hard copy to the Respondent. The Applicant must file the Rejoinder in this Registry with a costs of Rs.500/- (Rupees Five Hundred Only) to be paid in favour of "PPV&FRA Gene Fund" [SBI Account Number - 30175298446 IFSC- SBIN0005389- State Bank of India, NSC Beej Bhawan]

The parties are directed to file their evidences as follows: -

Evidence by way of affidavit of Applicant on or before 30<sup>th</sup> November, 2021. [Counsel for Applicant states that they have filed original affidavit of expert opinion in A-6, Original Seed Packets of Respondent's okra variety Bindu in A-10, Original Seed Packets of Respondent's okra variety NBH-45 and Actual seed packet containing Applicant's okra variety RadhikaA-12 and hence they need not re-file the same in their evidence.



Evidence by way of affidavit of Respondent on or before 15<sup>th</sup> December, 2021.

Before filing evidence by way of affidavit in the Registry, concerned parties must serve hard copy of it, to the other side in advance.

Post this matter for final hearing (virtual mode) on 21<sup>st</sup> December, 2021 at 11:00 A.M.

Time should be the essence of the proceedings. Parties are to adhere to time limit strictly. No time extension will be granted to any party under any circumstances.

Given under my hand and seal on this 16<sup>th</sup> day of November, 2021.



*Nag*  
(T.K. NAGARATHNA)  
REGISTRAR