

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

A. No. 2 of 2024

IN THE MATTER OF: Application under section 24 (5) in
relation to protection of hybrid Watermelon variety MaxX- A.
No. REG/2020/368 against M/s. Suphala Agri Genetics Pvt Ltd
Watermelon variety Rasica.

IN THE MATTER OF: -

M/S. NUNHEMS INDIA PVT. LTD.,

..... Applicant

-Versus-

M/S. SUPHALA AGRI GENETICS PVT LTD.,

..... Respondent

**For Applicant: Dr. Neeti Wilson, Attorney for M/s. Anand &
Anand.**

For Respondent: Sh. Shivam Pal Sharma Advocate.

ORDER

(Heard the Parties through Hybrid mode.)

Respondent has filed their reply in A. No.2 of 2024 and they
state that the same may be taken as reply in A. No.1 of 2024 also.

Applicant has no objection in this regard.



The Respondent has filed an application seeking eight weeks' time extension to file DUS test report as additional documents. The Applicant states that she wants to argue the matter directly. Accordingly, she was allowed to submit her oral arguments. At the outset she submits that the time for reply has ended on 5th May 2025 and already reply has been filed and the DUS test report sought to be filed by the Respondent can be filed during evidence and they will not be prejudiced in any way. *Per contra* the counsel for respondent argues that he needs time to submit DUS test report as additional documents.

My view is that, the Respondent has to make the DUS test report as part and parcel of pleadings before he relies it on during his evidence. Hence, Respondent ought to be granted time to submit their DUS test report. The Applicant will not be prejudiced in any way. Accordingly, the application seeking eight weeks' time extension to file DUS test report as additional document is allowed and the Respondent may submit the same on or before 17th June, 2025.

Applicant is given liberty to file rejoinder to the reply filed by 17th June, 2025 or they can submit the same after DUS test report is filed by the Respondent.

Post this matter for hearing on 20th June, 2025 at 15:00 hrs.

Given under my hand and seal on this 8th day of May, 2025.



(D.K. AGARWAL)

REGISTRAR GENERAL