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

+ CS(OS) 402/2010 & CC No.50/2010

F HOFFMANN-LA ROCHE LTD & ANR Plaintiffs

Through : Mr. Pravin Anand, Advocate

versus

GLENMARK PHARMACEUTICALS LIMITED Defendant

Through : Mr. Eshan Ghosh, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **17.12.2015**

I.A.No.25724/2015 (joint application u/O XXIII R 3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the present proceedings, they have arrived at an out of court settlement.

2. The details of the terms and conditions of the settlement have been set out in para 2 of the application, whereunder the defendant has acknowledged the intellectual property rights of the plaintiffs in Patent No.IN 196774, filed on 13.3.1996 and has given certain undertakings to the plaintiffs. The defendant has also agreed to withdraw its counter claim.

3. In lieu of the undertakings given by the defendant, the plaintiffs have agreed to give up the claim of costs and damages from the defendant, except to the extent mentioned in the present application and has agreed to withdraw the pending contempt petition, being CCP No.35/2010.

4. Counsels for the parties state that the suit may be decreed in terms of settlement arrived at between the parties.
5. The Court has pursued the present application. The same has been signed by the authorized representatives of the parties as also by their respective counsels. The application is supported by the affidavits of the signatories to the application.
6. As counsels for the plaintiffs and the defendant jointly state that the parties have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.
7. The suit is decreed in terms of the settlement arrived at and recorded in the application, while leaving the parties to bear their own costs.
8. The suit as also the counter claim are disposed of.
9. The date already fixed in the case, i.e., 18.2.2016 stands cancelled.
10. File be consigned to the record room.

HIMA KOHLI, J

DECEMBER 17, 2015/sk/ap